# HAZARDOUS WASTE DELISTING PETITION WASTEWATER TREATMENT BIOSLUDGE

## **FOR**

## **OCCIDENTAL CHEMICAL CORPORATION**

INGLESIDE, TEXAS

SEPTEMBER 2007

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#### 1.0 Introduction

Elizabeth Arceneaux, P.E. was retained by Occidental Chemical Corporation in Ingleside, Texas (OxyChem) to prepare a Hazardous Waste Delisting Petition (HWDP) for a waste stream currently generated at the facility. This HWDP was developed in accordance with the EPA Region 6 Hazardous Waste Delisting Program requirements.

#### 1.1 OBJECTIVES

The objective of this HWDP is to provide documentation necessary for the Environmental Protection Agency (EPA) to use in determining eligibility for delisting the petitioned waste. This petition contains information specified by EPA's guidance document titled: *Region 6 RCRA Delisting Program Guidance Manual for the Petitioner*. This information was compiled from OxyChem documentation and from data collected as a result of implementing the Sampling and Analysis Plan (SAP) developed for the facility and approved by EPA Region 6 in February 2007.

#### 2.0 ADMINISTRATIVE INFORMATION SUMMARY

#### 2.1 NAME AND ADDRESS OF PETITIONER

The complete name and address of the facility submitting this petition is as follows:

Mailing Address

Site Address

Occidental Chemical Corporation

Occidental Chemical Corporation

P.O. Box CC

4133 Highway 361

Ingleside, Texas 78362-0710

Gregory, Texas 78359

EPA Identification Number: TXD982286932

A site location map for the facility is presented as Figure 2-1.

#### 2.2 FACILITY CONTACT INFORMATION

The following individual should be contacted for additional information relating to this petition:

Mr. Michael Maldonado
Environmental Superintendent
Occidental Chemical Corporation
4133 Highway 361

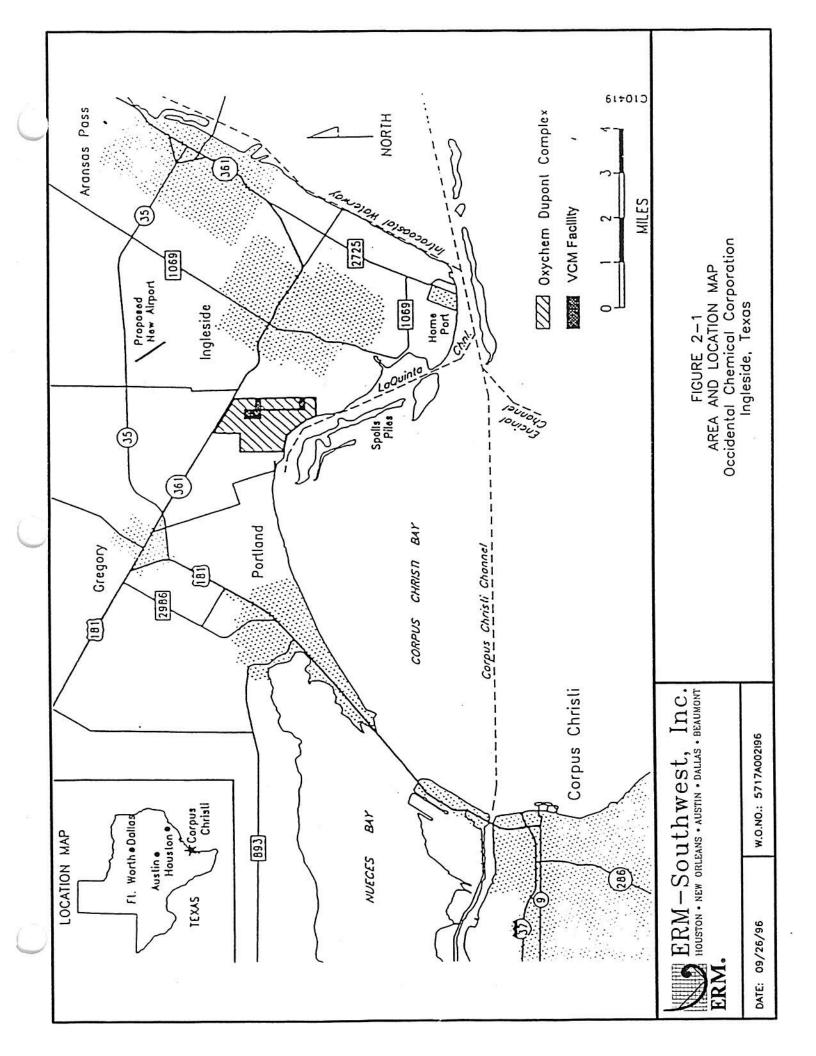
Gregory, Texas 78359

Phone: (361) 776-6160

#### 2.3 LOCATION OF PETITIONED WASTE

Occidental Chemical Corporation 4133 Highway 361

Gregory, Texas 78359



#### 2.4 DESCRIPTION OF PROPOSED ACTION

OxyChem-Ingleside produces chlorine, caustic, ethylene dichloride (EDC) and vinyl chloride monomer (VCM). The plant utilizes two permitted, onsite RCRA incinerators to burn process vent gases, intermediate wastes generated during the production of EDC and VCM (K019, K020, and F025), waste paint thinner (F001, F003, F005) and occasionally waste oil. Treatment of offgas from the incinerators generates a wastewater stream that carries these listed waste codes. This wastewater stream can be routed to the plant's Biological Wastewater Treatment system for treatment. The resulting *Wastewater Treatment Biosludge* can therefore carry the waste codes based on the mixture and derived-from rules in 40CFR261.3(b)(2) and 40CFR261.3(c)(2). OxyChem is hereby petitioning the EPA for exclusion of this waste stream from the K019, K020, F025, F001, F003 and F005 waste listings under 40CFR260.20 and 260.22. All tables for this delisting petition are in Appendix A.

#### 2.5 STATEMENT OF INTEREST IN PROPOSED ACTION

Based on comprehensive chemical analyses performed on samples collected, this waste does not exhibit the characteristics of a hazardous waste and does not meet the criteria for which it was listed.

Once delisted OxyChem plans to dispose of the sludge in a permitted nonhazardous waste landfill permitted to accept Texas Class 1 and Class 2 nonhazardous waste. The landfill will be a commercial facility located off site.

#### 2.6 JUSTIFICATION FOR DELISTING

OxyChem has performed extensive testing of the petitioned waste stream by undertaking a comprehensive sampling and analysis program. EPA was involved in developing and reviewing the SAP and approved its use in February 2007. Four samples and one duplicate were collected of the waste and analyzed for a complete suite of parameters specified by the SAP. The waste was not found to be characteristically hazardous. A copy of the Quality Assurance Report for this project is included as **Appendix B**.

Using Region 6 Delisting Risk Assessment Software (DRAS), the analytical results also show that the waste does not contain levels of hazardous or nonhazardous constituents that would pose a significant risk to human health or the environment. The DRAS program evaluated a scenario assuming continuous offsite sludge disposal at a commercial nonhazardous waste landfill for 20 years.

#### 2.7 CERTIFICATION STATEMENT

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possibility of a fine and imprisonment.

Signed,

Mr. David Crawford

Plant Manager, Occidental Chemical Corporation, Ingleside Plant

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Notary/Date

SHERRI E. ERWIN
Notary Public, State of Texas
My Commission Expires
March 09, 2011

## 2.8 Publication of Notice

A copy of the publication of notice regarding submittal of this petition is included in **Appendix C.** 

#### 3.0 WASTE AND WASTE MANAGEMENT HISTORY INFORMATION

#### 3.1 DESCRIPTION OF PETITIONED WASTE

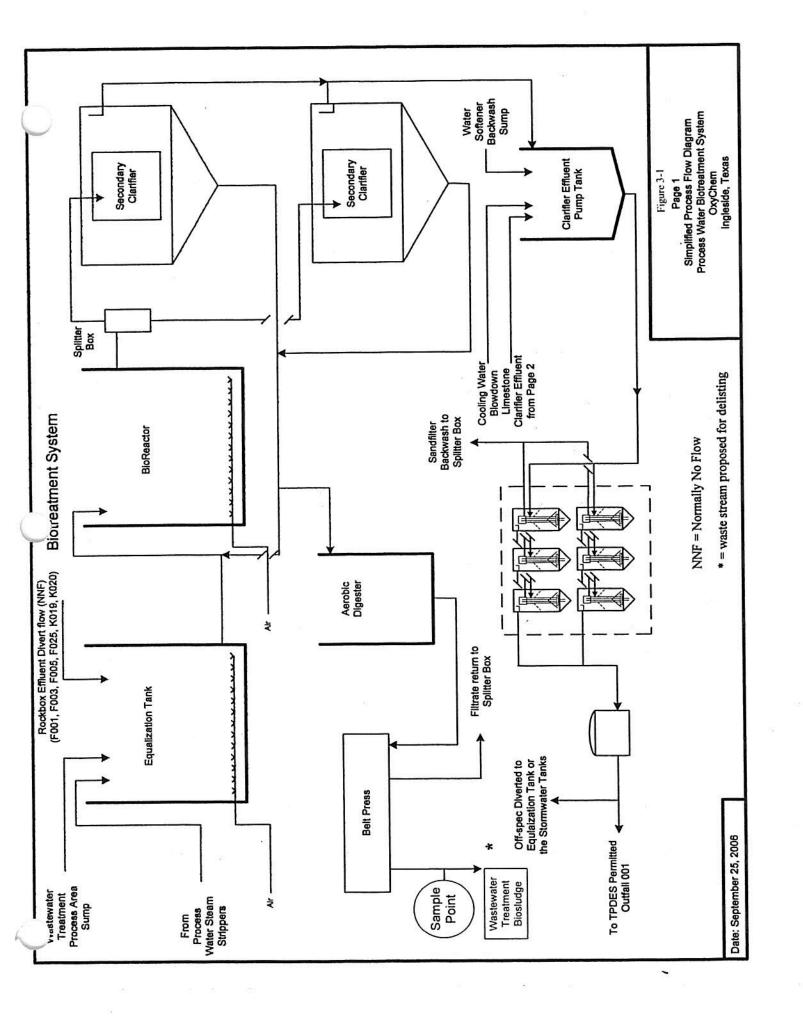
This plan covers the EDC/VCM *Wastewater Treatment Biosludge*. This sludge is generated in the bioreactors that can, on occasion, treat incinerator offgas treatment water that carries the K and F listings. This can occur during maintenance or upset events.

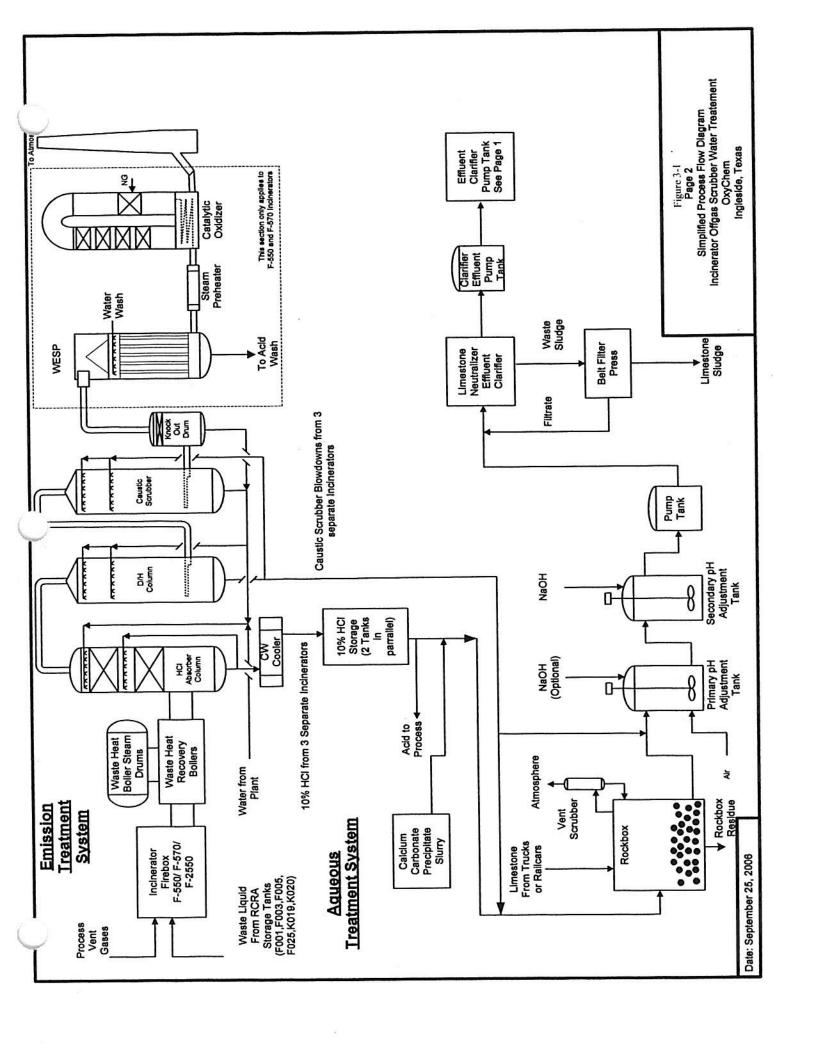
Figure 3-1 (page 1) shows the wastewater treatment process that generates the *Wastewater Treatment Biosludge*. As shown in page 1 of Figure 3-1, the Equalization Tank in the Wastewater system can receive Limestone Clarifier Influent from the Incineration Offgas Treatment System (shown in page 2 of Figure 3-1). This stream carries the F and K codes that cause the biosludge to be listed. As shown in Figure 3-1, page 2, the F and K codes are from the mixture and derived from rule of treating the offgas from the incineration of F and K listed organic wastes. The biosludge is a second or third generation waste stream from the original listed wastes and is therefore a good candidate for delisting.

#### 3.2 HISTORY OF WASTE GENERATION

The two RCRA-permitted incinerators that burn the listed wastes have been in continuous operation since 1991. The incinerators burn liquid waste streams and process vent gasses. The volume of the liquid waste streams and process vent gases incinerated from 2002 through 2005 is shown in **Table 3-1**. As shown, the VCM Plant heavy ends make up the majority of the materials incinerated, followed by the VCM Plant light ends. There was no Mother Liquor or waste oil incinerated during this time. The volume of EDC heavy ends incinerated declined to zero in 2002 due to OxyChem idling the EDC process unit.

OxyChem requires flexibility to burn similar EDC/VCM waste streams from its other sister plants in LaPorte Texas, Convent Louisiana, and Deer Park Texas. These plants have very similar processes and generate similar VCM and EDC waste streams (carrying the same K and F waste codes). The former EDC unit at Ingleside is identical to the Convent, Louisiana plant. OxyChem obtained a permit amendment from the Texas Commission on





Environmental Quality (TCEQ) on September 11, 2006, which authorizes these off-site waste streams to be processed in the RCRA-permitted incinerators.

The Wastewater Treatment Biosludge has been generated continuously since 1990. **Table 3-2** shows the annual volume generated for the past five years (2001-2005). Both the monthly and annual volumes are shown per EPA guidance. As shown, the annual volume varied slightly during this time from 1,900 cy/year to 2,838 cy/year.

The maximum annual volume was generated in 2002 and was 2,838 cubic yards. This volume was increased to 7,500 cubic yards to allow for possible future expansion and increased flexibility. This is the volume of sludge that was used for the DRAS modeling runs.

#### 3.3 MANAGEMENT OF DELISTED WASTE

If the sludge is delisted it will be taken off site for disposal at a non hazardous waste commercial or municipal solid waste landfill permitted to accept Texas Class 1 and Class 2 nonhazardous waste. The following facilities may receive the *Wastewater Treatment Biosludge*, once delisted:

U.S. Ecology Texas, L.P.
3.5 miles S. Petronila Rd.
Robstown, Texas 78380
TCEQ Permit No.HW50052-001
Phone: (361) 387-3518

BFI Tessman Rd. Landfill 7000 IH-10 East San Antonio, Texas 78219 TCEQ Permit No.1410C Phone: (210) 661-7558

#### 4.0 PROCESS AND WASTE MANAGEMENT HISTORY INFORMATION

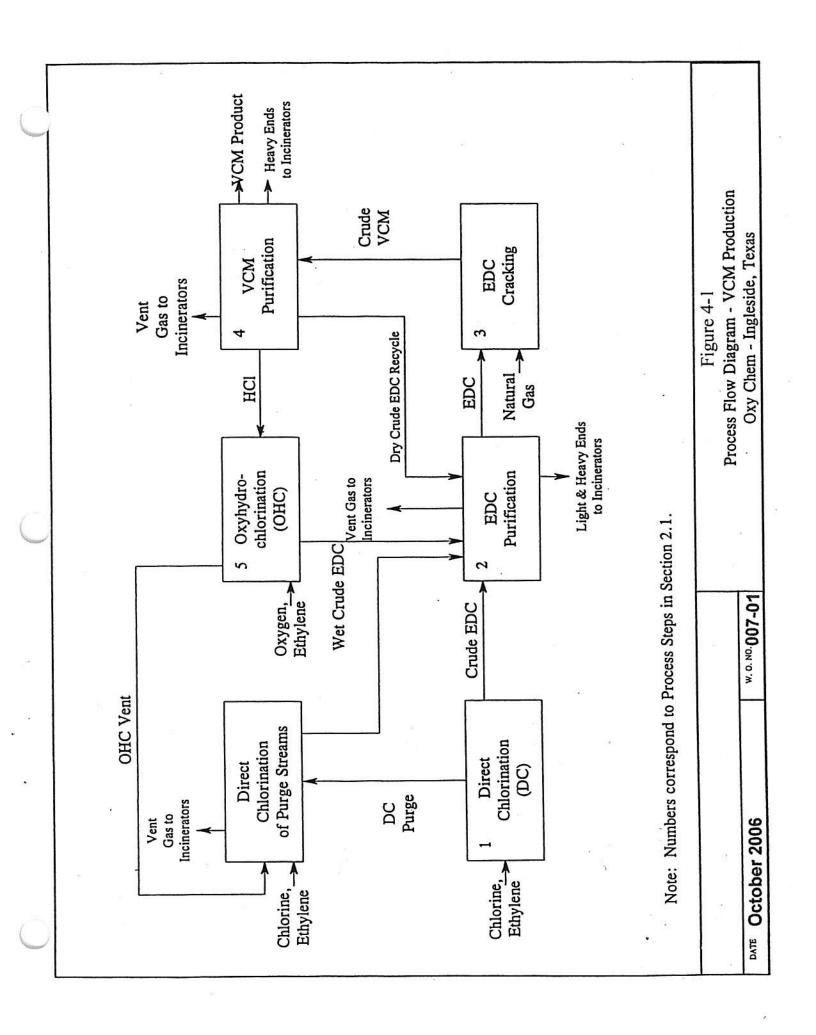
#### 4.1 GENERAL OPERATIONS AT THE GENERATING FACILITY

The OxyChem facility produces EDC, VCM, chlorine and caustic. The primary SIC codes for the facility are 2812 and 2869. The facility is comprised of the Chlor-Alkali plant which produces chlorine and caustic, and the EDC/VCM plant. Other processes within the VCM unit include vent incineration, wastewater treatment, VCM storage and loading (railcar and ship), EDC and intermediate storage and loading, cooling towers and refrigeration and compressors.

The balanced process for the production of VCM utilizes chlorine, ethylene, and oxygen as feedstock. The process is shown schematically in the block flow diagram in **Figure 4-1**. There are five principal steps in the VCM production process:

- 1. Direct chlorination of ethylene to EDC;
- Purification of EDC which is newly produced as well as that recycled from VCM product purification;
- EDC cracking to VCM and HCl;
- 4. Final VCM product purification; and
- Oxyhydrochlorination (OHC) of ethylene with HCl from cracking and oxygen to produce EDC.

Some of the wastes generated at the OxyChem facility include EDC heavy ends, VCM light ends and heavy ends, spent catalyst and filters, Mother Liquor, furnace coke, incinerator ash, waste oil, waste paint thinner, and miscellaneous solids such as sludge, scale, tank residue and spent activated carbon. A list of the hazardous wastes generated at the facility is shown in **Table 4-1** along with the TCEQ and EPA waste codes for each.



#### 4.2 CONTRIBUTING MANUFACTURING PROCESSES

The manufacturing processes that contribute waste and vent gases to the incinerators are the VCM plant and the support plants (ship and rail loading, product storage tanks, RCRA tanks and wastewater storage tanks). The former EDC unit in the Chlor-Alkali Plant once contributed waste streams, but was idled in 2002. A description of each contributing process (including the former EDC unit) is presented along with a discussion of the waste streams that are sent to the incinerators.

#### 4.2.1 Former EDC Unit in Chlor-Alkali Plant

The Chlor-Alkali ethylene dichloride unit utilizes chlorine and ethylene as feedstock to produce sales grade ethylene dichloride. This process has been idled since 2002 and no wastes have been generated or burned in the onsite incinerators since 2002. OxyChem will keep this waste stream in the delisting petition. Also similar EDC waste streams from sister plants may be burned in the incinerators. The sister plant in Convent, Louisiana is identical in process design as the former EDC unit in the Chlor-Alkali Plant.

EDC is formed by the direct chlorination of ethylene in the presence of a ferric chloride catalyst. The EDC product is boiled off by the heat of the reaction and condensed. Crude EDC is washed with dilute acid solution followed by water and dilute caustic soda to remove the ferric chloride catalyst and any dissolved chlorine. Wastewater from this process is treated in its own wastewater treatment plant.

The wet EDC is purified by routing the product through fractionating columns that separate EDC from low boiling impurities (light ends) and high boiling impurities (heavy ends). The heavy ends are either sent offsite to another plant for use as a feedstock or burned in the RCRA incinerators in the VCM plant. From 1991 through 1993, the heavy ends were used as feedstock. During the last quarter of 1994, they were burned in the onsite incinerators.

Production of EDC is a continuous process and the wastes are consistent during operation. **Table 4-2** shows the range of constituents detected in the EDC Heavy Ends from 1998 to 2002 during annual waste analysis and the most recent Trial Burn (June 7, 2002). The laboratory reports for these samples are available for review upon request.

#### 4.2.2 VCM Plant

The production of VCM is accomplished by the thermal cracking of purified EDC. The EDC feedstock is vaporized and then enters a cracking furnace. The cracking reaction takes place in a pyrolysis furnace at temperatures of about 900°F. HCl formed in the pyrolysis reaction is used in the oxychlorination process.

The product gas stream is quenched as it leaves the cracking furnace. The quenched stream enters a column which removes carbon and VCM heavy ends. The VCM heavy ends are processed to recover VCM and EDC and then are routed to RCRA tank C-720B for use as liquid feed to the two RCRA incinerators.

The crude VCM leaving the quench column is further purified to remove HCl and uncracked EDC. The HCl is fed as a gas to the oxyhydrochlorination section, and the EDC is pumped to intermediate storage prior to being recycled to the EDC purification section. VCM product is routed to VCM storage spheres for loading.

EDC is also produced in the VCM plant as a product feed for VCM production. EDC is produced by the vapor phase reaction of ethylene with hydrogen chloride in the presence of an activated alumina/copper chloride catalyst. This process, called oxyhydrochlorination, is highly exothermic and the heat of the reaction is used to generate steam for the process. The gases leaving the oxyhydrochlorination reactors are cooled to condense EDC and water. The wet crude EDC is dried using azeotropic distillation in the EDC purification unit and separated from the light ends and heavy ends through a distillation column.

Continuous vent gases from the VCM Plant primarily contain EDC, ethyl chloride, carbon dioxide, nitrogen, and ethylene, and are routed to the incinerators for destruction. The light ends and heavy ends from the VCM Plant are routed to RCRA storage tanks for use as liquid feed to the two RCRA incinerators. These waste streams are analyzed once a year for organic and inorganic constituents. The most recent analysis included the volatile and semivolatile organics and RCRA metals.

**Table 4-2** shows the range of constituent concentrations found in the VCM Plant heavy ends and light ends from 1998-2005.

As shown, the VCM Plant light ends consist primarily of carbon tetrachloride, chloroform, 1,1-dichloroethane, 1,2-dichloroethylene, 1,2-dichloroethane and chloroprene. The VCM Plant and former EDC unit heavy ends are over chlorinated byproducts from the production of EDC and VCM and include chloroform, carbon tetrachloride, 1,2-dichloroethane, 1,1,2-trichloroethane, 1,1,1-trichloroethane, 1,1,2-tetrachloroethane, tetrachloroethene and bis (2-chloroethyl) ether.

#### 4.2.3 Support Plants

Support plants for the VCM unit include railcar and ship loading, two RCRA tanks for heavy ends and light ends storage, intermediate and final EDC product storage tanks, storm water tanks and the CoGen process unit. The ships and railcars are dedicated for VCM service and are purged with nitrogen to remove air prior to loading. All of the tanks have nitrogen pads and vent nitrogen to the incinerators during loading and thermal expansion. There are no analytical data for the vent gases; however, composition is based on knowledge of the process.

#### 4.2.4 Mother Liquor Waste

In the direct chlorination system of the EDC processes, chlorine and ethylene are sparged into the reactor line of the Direct Chlorination Reactor where they react to form EDC. The reaction requires a ferric chloride catalyst, which is introduced into the reactors before initial startup. The vapor EDC is condensed and sent to the light ends column. The heavier ends and the ferric chloride catalyst remain in the reactor. If this mixture gets wet, or the concentration of iron exceeds a threshold limit, the reactor is cleaned. The iron-rich organic liquid is referred to as Mother Liquor and is generated on a batch basis. It can be burned in the incinerators onsite; however fouling from the high iron concentration has lead to offsite management.

Table 4-3 shows the typical constituents detected in the Mother Liquor waste when it was generated in the past. Since the EDC unit has been idled (2002), this waste stream has not been generated.

#### 4.2.5 Maintenance Activities

Waste oil is generated during maintenance of pumps or other oil containing equipment. Oil in transformers, compressors or other electrical equipment does not contain PCBs. This equipment was installed in the early 1990s after the use of PCBs as a dielectric was discontinued. The oil is collected in drums in satellite areas until each drum is full. The oil is stored in one of the container storage areas and tested for water content. If the water content passes internal process criteria, the oil is pumped into the heavy ends RCRA storage tank for use as feed to the incinerators.

Most of the oil contains water in excess of the plant-imposed moisture limit, so it is transported to an offsite hazardous waste management facility rather than incinerated onsite. Waste oil has not been incinerated onsite since early 1994 but may be incinerated in the future. Typical constituent concentrations in the waste oil are shown in **Table 4-4**.

#### 4.2.6 Sister EDC/VCM Waste Streams

OxyChem can burn similar EDC/VCM waste streams from its other sister plants. **Table 4-5** shows the typical organic and inorganic constituents detected in the La Porte, Deer Park and Convent plants. These are shown in comparison to those detected in the waste streams at Ingleside. This table shows that the VCM heavy ends at all of the plants have low concentrations of metals (in the low ppm) and higher concentrations (in weight percent) of volatile organics. The predominant volatile organics in all the heavy ends are 1,2-dichloroethane, hexachloroethane, 1,1,2,2-tetrachloroethane, tetrachloroethylene and 1,1,2-thrichloroethane. The EDC heavy ends contain primarily bis (2-chloroethyl) ether, 1,2-dichloroethane, hexachlorobenzene and 1,1,2-trichloroethane.

#### 4.4 INCINERATION OPERATION AND GASEOUS EMISSION TREATMENT

Incineration of process vent gases, VCM Plant heavy ends and VCM Plant light ends is a continuous process that does not change seasonally. The influent constituents to the incinerators may change in concentration during plant upsets or planned VCM Plant shutdowns and startups, however, the components remain the same. Natural gas is used as an

auxiliary fuel source and is metered at 0 to 300 scfin to control the firebox temperatures specified in the permit.

The permitted operating conditions for the incinerators are in the facility's current Notification of Compliance (NoC) pursuant to the applicable requirements of 40CFR 63 Subpart EEE [40 CFR 264,340(b)(1)].

#### Incinerator Offgas Treatment System

As shown in Figure 3-1 (page 2), the combustion products from the incinerators contain hydrochloric acid (HCl). The emissions are passed through the HCl absorption columns, dehumidifier columns and caustic scrubbers to remove the HCl and chlorine. Blowdown water from the dehumidifier columns and caustic scrubber columns are routed to the Rockbox as the first step in neutralizing the HCl or to the bioplant for pH adjustment. Blowdown from the absorption columns are routed to two 10% HCl storage tanks. Excess HCl from the 10% HCl storage tanks is routed to the Rockbox. The influent to the Rockbox normally contains 3 to 15 percent hydrochloric acid depending on the operating conditions of the incinerators.

Blowdown from two Wet Electrostatic Precipitators (WESP) is routed to the EDC/VCM wastewater treatment system. The WESPs are designed to remove particulate matter, semi-volatile metals (SVM) and low volatile metals (LVM) from the effluent gas. The WESP is a cylindrical vessel packed with 10-inch diameter tubes that extend the length of the vessel. The incoming air passes through the tubes where electrodes charge the particles and water droplets present in the feed stream. The electrically charged particles and droplets migrate to the tube walls and gravity flow out the bottom of the column. The tubes are periodically cleaned (washed) on-line by feeding water directly into the vessel.

The final emissions control device is the catalytic oxidizer, which further removes traces of PCDD and PCDFs from the gaseous emissions. The reaction takes place at 450°F over a series of catalyst beds. The effluent gas is cooled after the reactor by interchanging with the feed gas, and the resulting gaseous stream is forwarded to the stack. No wastewater stream is produced from the catalytic oxidizers.

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The Rockbox contains crushed limestone (calcium carbonate) to neutralize the excess HCl acid. Calcium carbonate precipitate slurry is also injected into the acid waste stream prior to the Rockbox to help neutralize the acid. The crushed limestone, also called the Rockbox Residue, was delisted on January 29, 1999.

The pH of the effluent leaving the Rockbox is typically between 0 and 4. The effluent flows through a primary pH adjustment tank where air is purged into the water to remove carbon dioxide. Additionally, sodium hydroxide can be added to this tank. Purging with air minimizes the formation of calcium carbonate precipitate upon introduction of caustic. The effluent is then passed through the secondary pH adjustment tank where caustic (sodium hydroxide) is added to raise the pH of the water to between 7 and 9. This waste stream consists of an aqueous phase (no longer exhibiting the corrosive hazardous characteristic) and a solid phase of calcium carbonate precipitant in suspension. The calcium carbonate is settled in a clarifier and pressed to become Limestone Sludge (delisted on January 29, 1999). The effluent from the clarifier is commingled with other wastewater streams (including the Bioplant discharge described below) prior to filtration.

## 4.5 WASTEWATER TREATMENT PROCESS DESCRIPTION AND BIOSLUDGE GENERATION

The EDC/VCM Wastewater Treatment System receives process wastewaters from the EDC/VCM process area sumps and the process water steam strippers. During upset conditions, the Equalization Tank can receive diverted flow from the Limestone Clarifier Influent (see **Figure 3-1**, page 1). The Equalization Tank provides surge volume for the treatment system. From the Equalization Tank, the wastewater is treated through the Bioreactor that breaks down dissolved organic constituents through aerobic biological treatment. The hydraulic retention time of the bioreactor is designed for 21 to 29 hours.

Biomass is generated in the treatment process and the effluent containing these biosolids flows by gravity through a splitter where flow distribution is controlled to two Effluent Clarifiers. A polymer is added to improve solids settling. The biosolids settle to the bottom of the clarifiers and are moved to the center by rotating sludge rakes. The biosolids are withdrawn by pumps

and returned to the biotreater. Some of the recycled biosolids are wasted to the Aerobic Digester to keep the correct balance of biomass in the biotreaters.

The primary function of the digester is to reduce the amount of biological material that must be processed and disposed. This is accomplished through further reduction of mass by aerobic processing. The digester is designed to hold three days production of biosolids from the clarifiers. When the digestion has taken place, the Belt Press is activated and the contents are processed through the belt press system.

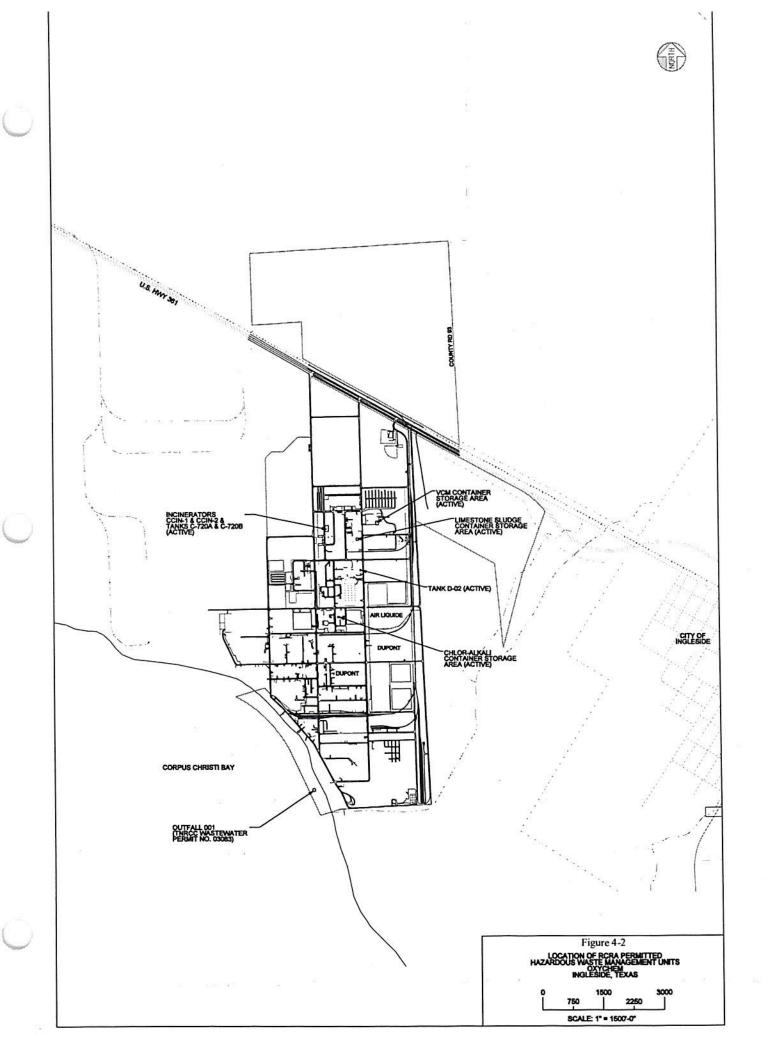
The biosolids are processed to the Belt Press on a batch basis for 2 to 4 days. Polymers are added to enhance dewatering. The water from the biosolids drains through the porous belt as the sludge is fed through the belt system and the filtrate is recycled to the splitter box. The sludge is then carried through two moving belts that apply pressure and finally through rollers where additional pressure removes more water. The presses concentrate the sludge to about 18% solids.

The dewatered sludge is deposited into rolloff boxes for collection and offsite disposal. This sludge is the *Wastewater Treatment Biosludge* designated for delisting.

As described above, biosolids generated in the aerobic process can be recycled back into the bioreactor or wasted to the aerobic digester. The solids residence time is the time it takes for the entire sludge volume to be removed from the bioreactor (complete turnover). For this system, the solids residence time is approximately 45 days.

#### 4.6 DESCRIPTION OF WASTE MANAGEMENT UNITS

There are eight hazardous waste treatment and storage units at the facility. These units are authorized under the RCRA Permit No. HW-50322 (expires June 16, 2015). The hazardous waste management units include two incinerators (Unit Numbers 550 and 570), two spherical storage tanks (C-720A and C-720B), and three container storage areas. A third interim status tank (6D-02) can also be used to store EDC heavy ends (or by-product). The locations of these units are shown in **Figure 4-2**. **Table 4-6** shows the waste streams managed in each permitted unit.



The two incinerator units are used to incinerate vent gases from the process area in addition to the following five liquid hazardous waste streams:

- · VCM light ends,
- VCM heavy ends,
- EDC heavy ends (or byproduct)
- Mother Liquor
- · Waste oil
- Waste paint

The incinerators are identical in design and are operated in parallel. No incompatible materials or waste are incinerated at the OxyChem facility. Each incinerator has a rated capacity of 34 x 10<sup>6</sup> BTU/hour. A third incinerator is used to burn vent gases from the process areas. It is not a RCRA-permitted incinerator; however, the off-gas treatment system generates water that combines with the two RCRA permitted incinerator scrubber waters, making the combined scrubber streams RCRA hazardous by the mixture rule.

Two identical spherical storage tanks serve as hazardous waste feed tanks for the two incinerator units. Each tank has a maximum capacity of 65,000 gallons. Tanks C-720A and C-720B are used to store VCM light ends, VCM heavy ends, and/or EDC heavy ends. Due to a lower water content requirement imposed on waste oil by OxyChem process engineers, no waste oil has been stored in Tank C-720A or incinerated since early 1994. Interim status tank 6D-02 has a capacity of 35,000-gallon and it can store EDC heavy ends (or by-product).

Hazardous wastes that cannot be incinerated are containerized for off-site disposal and may be stored on-site at either the Chlor-Alkali or VCM container storage areas. Although the container storage areas are permitted as greater than 90-day storage, wastes are usually shipped off site in less than 90 days.

Dewatered sludge formed from the neutralization of the aqueous stream from the incinerators is collected at the Limestone Sludge container storage area. The sludge is collected in a rolloff box after it passes through a belt filter press. The limestone sludge storage area is used to storer limestone sludge and the *Wastewater Treatment Biosludge*.

The permits held by the OxyChem VCM Ingleside Plant are:

Hazardous Waste:

RCRA permit number HW-50322-000

Initial Issue Date September 23, 1991

Permit Renewal Date May 16, 2001

Renewed Permit Date June 16, 2005

TPDES Permit:

TCEQ Permit No. WQ-03083

TCEQ Air Account No.:

SD-0092-F

Air Permits:

Federal Operating Permit No. O1240

Cogeneration Project Permit Nos. 35335 and PSD-TX-880

LNG Terminal Permit No. 74185

Chlor-Alkali Facility Permit No. 2339A

Former Chlor-Alkali EDC Plant Permit No. 18432

VCM Plant Permit No. 19169

#### 5.0 ANALYTICAL PLAN DEVELOPMENT

#### 5.1 CONSTITUENTS FORMING BASIS OF LISTING

**Table 5-1** shows the list of constituents for which the F001, F003, F005, K019, K020 and F025 wastes were listed in 40 CFR 261, Appendix VII. The constituents are volatile organic compounds and semivolatile organics.

#### 5.2 APPENDIX IX CONSTITUENT DETERMINATION

In accordance with EPA Guidance, at least one sample of sludge was analyzed for the entire Appendix IX list of constituents including pesticides, herbicides and PCBs (WEEK 1). The Appendix IX list includes the constituents for which the OxyChem waste was listed, the constituents detected in similar sludge, and any other compounds that may exist as byproducts of combustion (i.e., dioxin/furans). The Appendix IX list was analyzed on a total basis (mg/kg) and on the TCLP extract of the sample (mg/L).

Dioxins and furans were included in the analytical program as they may form as a byproduct from the combustion of chlorinated aromatic compounds such as chlorinated alkanes and alkenes, pesticides and PCBs (API, 1990, Dioxins and Furans – A Primer. Pub #4506). A 2,3,7,8-TCDD equivalent was calculated for each set of dioxin/furan analyses using EPA methodology. The 2,3,7,8-TCDD equivalent was compared to a numeric delisting level calculated by the DRAS model.

On the remaining three samples and a duplicate the Appendix IX volatiles, semivolatiles and metlas were run for waste characterization. The pesticide, herbicide and PCBs were eliminated because they were not found to be present in the sludge. The reduced Appendix IX list was analyzed on a total basis (mg/Kg) and on the TCLP extract of the sludge (mg/L).

#### 5.3 MULTIPLE PH DETERMINATION FOR METALS

In accordance with the EPA guidance, one of the samples (WEEK 1) was extracted by a multiple pH leaching procedure. The sludge sample was leached by TCLP leachates with pHs of approximately 3, 5 and 10 in accordance with EPA's Mulitple pH Testing Method. The multiple pH leaching procedure is designed to simulate leaching of waste in a landfill. It may indicate that certain metals are more mobile under low or high pHs.

#### 5.4 OTHER ANALYSES FOR CHARACTERIZATION

In accordance with Section 6.6.2 of the RCRA Delisting Program Guidance Manual for the Petitioner the sludge samples were analyzed for the following additional analyses:

- Total oil and grease;
- Total cyanide and sulfide;
- Ignitability and
- Corrosivity

If the concentration of total cyanide and total sulfide exceeded 250 mg/Kg and 500 mg/Kg, respectively, reactive cyanide and reactive sulfide was run. **Table 5-2** shows the analytical program for characterizing the *Wastewater Treatment Biosludge*. All analytical methods are from EPA SW-846 Test Methods for Evaluating Solid Waste-Physical and Chemical Methods or Methods of Analysis of Water and Waste, EPA-600/4-79-020.

#### 6.0 WASTE SAMPLING INFORMATION

#### 6.1 SAMPLING PERSONNEL INFORMATION

The Wastewater Treatment Biosludge was sampled by the following OxyChem employees:

Mr. Michael Maldonado

Mr. Andy Felkner

**Environmental Superintendent** 

VCM Environmental Supervisor

Occidental Chemical Corporation

Occidental Chemical Corporation

Highway 361

Highway 361

Gregory, Texas 78359

Gregory, Texas 78359

#### 6.2 SAMPLING STRATEGY

The sampling strategy was designed to collect samples representative of the waste under consideration for delisting, and to preserve the sample integrity. The sampling captured temporal variability since it occurred over a period of four weeks. Sampling was conducted in accordance with a written sampling plan (dated October 17, 2006) and approved by the EPA in a letter dated February 8, 2007. Sample integrity was assured by following standard sample handling, preservation, documentation and custody procedures (see Sections 6.4 through 6.7). A total of four samples and one duplicate were collected for characterization.

#### 6.3 SAMPLE COLLECTION AND IDENTIFICATION

Sludge sampling for the delisting petition occurred at the Biosludge belt filter press from April 11, 2007 through May 22, 2007. To simulate worst case conditions, flows from the Rockbox Effluent System (the stream carrying the F and K listings) were diverted to the Wastewater Biotreatment System during the sampling period. This was documented with recorded flow measurements as shown in **Appendix D**.

Samples of sludge were collected from the belt press every two hours from the time the sludge initially entered the bin until the bin was full. The grab samples were combined to form the weekly composite sample. Only Volatile analyses were run on a grab sample (the first grab

collected off the belt). This procedure was done once a week for four weeks. The composite samples were identified as WEEK 1, WEEK 2, etc. The Grab Sampling Record form for each week is in **Appendix D**.

A duplicate sample was collected on WEEK 3. Two trip blanks and one field blank were also submitted to the laboratory for analysis.

#### 6.4 SAMPLE PRESERVATION AND HANDLING

All samples were placed in clean containers provided by the laboratory. **Table 6-1** shows the containers, preservation, and EPA holding times for the samples. Once the samples were collected, they were secured in an ice chest with a completed chain-of-custody form. The coolers were sealed with tape and were shipped overnight to the laboratory.

#### 6.5 SAMPLING DOCUMENTATION

To prevent misidentification of samples, labels were attached to each sample container. The labels were waterproof and contained the following information:

- Sample identification number
- Date and time of collection
- Sample description
- Name of sampler
- Analysis to be performed

#### 6.6 SAMPLE CUSTODY

Chain-of-custody procedures were used to trace possession and handling of individual samples from the time of collection in the field through receipt by the independent analytical laboratory.

Each time a batch of samples was prepared for pickup by the laboratory, a chain-of-custody record was completed and accompanied the shipment. Whenever custody of the samples was transferred, the individual relinquishing and the individual receiving the samples signed, dated, and noted the time on the form. The original form accompanied the shipment to the laboratory and was returned to the Project Manager with the analytical laboratory reports.

Samples were delivered to the laboratories by overnight courier service. The bill of lading or receipt from the independent service was maintained by the laboratory to document custody for that segment of the sample transport. The chain-of-custody forms are included with each laboratory report in **Appendix E**.

## 6.7 QUALITY ASSURANCE/QUALITY CONTROL PROCEDURES

Each of the samples analyzed was subjected to extensive quality control. Quality control procedures in the field included sample handling and documentation protocols as described previously. Techniques were used in the field to avoid sample contamination and to adequately preserve each sample until it reached the laboratory.

The stainless steel bowl and spoon used to collect and mix the sludge were cleaned with Alconox and distilled water before each weekly use. Sampling personnel wore disposal gloves to reduce the possibility of cross contamination. Sample bottles were laboratory-precleaned containers that met cleaning QC requirements.

Trip blanks, consisting of laboratory-grade deionized water were supplied by the laboratory. These blanks were carried with the sample containers during each week of sample collection. The Trip Blanks were analyzed for Appendix IX VOA analyses. The purpose of the trip blanks was to determine the impact, if any, of ambient VOC concentrations in the plant and laboratory during sampling and analysis. There were no volatile constituents detected in either trip blank.

A field blank was prepared during the WEEK 1 sampling event by pouring distilled water into VOA vials at the belt filter press. The field blank was then sent to the laboratory along with the WEEK 1 samples to determine if the ambient air in the sampling area contained volatile

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compounds. The laboratory results showed three volatiles detected in the field blank (1,2-dichloroethane, bromochloromethane, and dibromomethane). None of these constituents were detected in the sludge samples on a total or TCLP basis. These data are discussed in the Quality Assurance Report (Appendix B).

Additional quality control procedures were employed in the laboratory. As a minimum, laboratory QA/QC procedures were in accordance with the guidelines in Volume One, Chapter One of EPA document SW-846. Laboratory QA/QC samples included method blank analyses, surrogate spikes and calibration curves. A discussion of the laboratory and field QA/QC data is presented in the Quality Assurance Report in **Appendix B** to this Delisting Petition.

#### 6.8 STATEMENT OF REPRESENTATIVENESS OF SAMPLES

Based on the sampling strategy discussed in Sections 6.2 and 6.3 (and in the SAP) and the use of EPA approved methods to collect, analyze and maintain proper documentation and custody of the samples, the sludge samples collected for this delisting petition are considered representative of the petitioned waste stream. There were no deviations from the SAP dated October 17, 2006.

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#### 7.0 WASTE ANALYSIS INFORMATION

#### 7.1 ANALYTICAL LABORATORY INFORMATION

The following laboratories were used for analysis of samples collected in support for this delisting petition:

e-Labs

10450 Stancliff Road, Suite 210

Houston, Texas 77099

Phone: (281) 530-5656

STL Knoxville

5815 Middlebrook Pike

Knoxville, TN 37921-5947

Phone: (865) 291-3000

\* For analysis of Dioxin/Furans

e-Labs

3351 128th Avenue

Holland, MI 49424-9262

Phone: (616) 399-6070

e-Labs Houston performed all analyses except those indicated with an asterisk (\*). The professional qualifications for the key individuals who performed the analyses of the waste samples are included in **Appendix E** in accordance with *Region 6 RCRA Delisting Program Guidance Manual for the Petitioner*.

The Quality Assurance Report in **Appendix B** contains information relating to the laboratory handling and analysis procedures employed for the waste samples. Included in **Appendix B** are the Sample I.D., laboratory I.D., sample preservation technique, sample collection dates and dates of sample extraction and analysis. The specific equipment used is coded to an equipment list in the Quality Assurance Report. A list of the analytical methods used for each of the analyses is also included in the Quality Assurance Report.

<sup>\*</sup>For analysis of organophosphorous pesticides, oil and grease, total and reactive sulfide

#### 7.2 SUMMARY OF ANALYTICAL RESULTS

This section summarizes the results of analyses performed on samples collected from the petitioned waste from April through May 2007. Although percent moisture was run on all of the sludge samples the data was reported on a wet weight (as is) basis. The sludge is taken offsite for disposal in this physical state.

#### 7.2.1 Hazardous Waste Characteristics

A summary of the results of analyses for reactivity, ignitability and corrosivity is included in **Table 7-1**. The pH, ignitability and cyanide measurements were below the hazardous waste levels defined by 40CFR 261.20-261.23. These data show that the sludge does not exhibit the hazardous waste characteristic of reactivity, corrosivity and ignitability.

Table 7-2 compares the concentrations of the TCLP constituents in the sludge, to the maximum TCLP levels found in 40 CFR 261.24. Detected concentrations are shown in bold and all other concentrations represent detection limits. As shown, none of the constituents in the sludge exceed the maximum allowable TCLP concentrations. The sludge is therefore not hazardous due to the toxicity characteristic.

#### 7.2.2 Appendix IX Analytes Detected on a Total Basis

A summary of the volatile, semivolatile and metals analyses are shown for the sludge samples on a total basis in **Table 7-3**. The data are in units of mg/Kg. The maximum concentration for each constituents is shown in the last column. The maximum concentrations for the samples are those used in the DRAS model as input concentrations.

#### Volatile Organics

The primary volatile organics detected in the sludge were chlorinated organics, toluene, ethylbenzene, xylene (BTEX) and acetone. These constituents were detected only slightly above the detection limit. Some were reported below the detection limit values as "J" values or estimated values.

## Semivolatile Organics, PCBs, Pesticide, Herbicides, and Dioxin/Furans

As shown in Table 7-3, none of the semivolatile organics were detected. The constituents shown are included only because they were detected in the TCLP extract samples. No PCBs were detected and only one compound (Silvex) was detected in the pesticides/herbicides analyses. Dioxins and furans were detected in the 10<sup>-05</sup> to 10<sup>-04</sup> mg/Kg range. The 17 tetrathrough octa-chlorinated dioxin and furan congeners were converted to 2,3,7,8-TCDD using Toxicity Equivalent factors presented by the World Health Organization (WHO) in 1998 and currently accepted by EPA. The calculation of the 2,3,7,8-TCDD equivalents are shown in Appendix F. For the calculations, constituent concentrations of one half the detection limits were entered for those congeners that were not detected in the sample.

#### Metals Analysis

The primary constituents detected in the sludge on a consistent basis were the metals. There was a large variety of metals detected in the samples at concentrations ranging from less than one mg/Kg up to 28 mg/Kg. The majority of the maximum concentrations were from WEEK 3.

## 7.2.3 Appendix IX Analytes Detected on a TCLP Basis

Summaries of Appendix IX constituents detected on a TCLP basis are shown in **Table 7-4.**The data are reported in units of mg/L. Detected concentrations are shown in bold, and method detection limits are shown with regular format. PCBs, pesticides and herbicides were analyzed for only WEEK 1. Constituents are shown in **Table 7-4** if they were detected in at least one sample, or were detected in one or more samples on a total basis. The maximum concentration of each constituent is in the last column.

#### Volatile Organics

Table 7-4 shows that the volatile organics detected in the TCLP leachate of the sludge included several chlorinated solvents, ethylbenzene, toluene, xylene and acetone. Some of

these constituents (methlylene chloride and acetone) may be common laboratory contaminants. Many of the maximum concentration values were from the WEEK 2 sample.

Semivolatile Organics, PCBs, Pesticides/Herbicides and Dioxin/Furans

There were no pesticides, herbicides or PCBs detected in the WEEK 1 sample. These analytes were screened out of analysis for the WEEK 2-WEEK 4 samples based on these findings. Only four semivolatile constituents were detected in the leachates. Two (benzoic acid and naphthalene) were detected in three or more samples.

The dioxins and furans were converted to 2,3,7,8-TCDD equivalent using the same methodology described in Section 7.2.2. Of the 17 dioxin and furan congeners, most were not detected in the leachate, so one half the detection limit was used in the TEF calculations (see **Appendix F**).

#### Metals

A summary of the Appendix IX metals are also shown in **Table 7-4**. The units are in mg/L. The "J" qualifier indicates that the value reported was below the quantitation limit and is an estimate.

As shown, WEEK 1 had the multiple pH leaching procedure run using TCLP leaching solutions of pH3, pH5 and pH10. This procedure was required by EPA to simulate leachate from a landfill. In accordance with the approved SAP this procedure was conducted on only one sample. A review of the data in **Table 7-4** shows that the pH variance did not appear to significantly affect the concentration of the metals in the samples. The concentrations in the pH3 leachate were slightly higher than the pH 5 and pH10 leachates for some metals, but not consistently for all of the metals.

### 7.2.4 Summary of Maximum Concentrations - Total and TCLP

A summary of the maximum concentrations of constituents detected in all of the sludge samples is shown in **Table 7-5**. Both the total concentrations and TCLP concentrations are shown in **Table 7-5**. The maximum concentrations shown represent the highest values in all the samples (four and one duplicate) and not necessarily in any one sample. Although the

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total concentrations of many of the organics and metal constituents are relatively high, the TCLP concentrations are either non detect or relatively low. This indicates that the sludge does not leach these constituents readily, possibly due to a high organic carbon in the sludge. These maximum values were entered into the EPA DRAS program for evaluation as discussed in Section 8.

#### 8.0 DATA EVALUATION USING DRAS 2.0

In accordance with EPA Region 6 requirements the analytical data for the samples were input into the Delisting Risk Assessment Software (DRAS), Version 2.0 for evaluation. This software program provides a scientifically defensible means to evaluate whether a RCRA listed waste qualifies for delisting under 40 CFR §260.20 and 260.22 with regard to toxicity. The program calculates carcinogenic and non-cancer risks associated with disposal of a petitioned waste to a landfill or surface impoundment. For the OxyChem evaluation, a landfill scenario was used since the Wastewater Treatment Biosludge will be disposed of in a Subtitle D landfill, once delisted. The methods used to calculate chemical concentrations in media at the point of exposure are based on EPA's fate and transport mechanisms. The methods used to determine risk associated with the waste disposal scenarios evaluated for delisting a petitioned waste are based on EPA's risk assessment algorithms.

#### 8.1 INPUT VALUES

In accordance with the *The RCRA Delisting Technical Support Document*, the following waste-specific information was entered for the DRAS evaluation for the sludge:

- waste volume: 7,500 cubic yards (See Section 3.3)
- waste management unit: Subtitle D landfill
- maximum concentration of constituents detected on a total and TCLP basis (see
   Table 7-5)
- acceptable cancer risk of 10<sup>-5</sup> for delisting levels
- acceptable hazard index of 1.0 for delisting levels
- waste stream generated continuously for 20 years

The concentration data from **Table 7-5** were entered into the DRAS program. Per EPA Region 6 instructions, the detection limit was entered for those constituents reported as below the detection limits. The output files from the DRAS runs are presented in **Appendix G** and discussed below.

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#### 8.2 DELISTING LEVELS

Table 8-1 for the total concentrations and Table 8-2 for the TCLP concentrations. The concentrations shown under the DRAS Output columns were taken from the DRAS output files in Appendix G. The DRAS program calculates a maximum TCLP concentration and maximum Total concentration for a waste stream using risk-based equations and acceptable risk. Some delisting levels in Table 8-1 exceed the saturation concentration for a chemical (i.e. exceed 10<sup>06</sup>mg/Kg. These values have not been corrected. Some of the delisting levels in Table 8-2 exceed TCLP maximum allowable concentrations, and these have also not been corrected. These corrections will be made by EPA as the project manager evaluates the screening levels and prepares the proposed rule.

These Delisting Levels serve as maximum waste concentrations allowed for delisting in a standard multi-year delisting. The Delisting Levels are associated with a 1x10<sup>-5</sup> cancer risk level (1 cancer in 100,000 individuals) and a hazard quotient of 1.0 for the most sensitive exposure pathway. EPA uses these levels to screen waste proposed for delisting.

As shown in **Tables 8-1** and **8-2**, the Wastewater *Treatment Biosludge* passes all of the screening delisting levels with the exception of arsenic and 2,3,7,8-TCDD equivalent in the TCLP leachate. The maximum concentration of arsenic (0.0265 mg/L) is greater than the risk-based limit for ingestion (0.0117 mg/L), but is less than the protective concentration calculated by DRAS using the MCL. According to Section 4.2.5.7 of the *RCRA Delisting Technical Support Document* (August 2000) the MCL method of calculating delisting levels is appropriate for the protection of the ground water ingestion pathway. EPA discussed in the pre-petition scoping meeting (June 21, 2006) allowing the use of the MCL level.

The DRAS 2.0 model calculated an MCL-based delisting level of 1.20 mg/L. This value is based on the old MCL for arsenic of 0.05 mg/L. On February 22, 2002, EPA adopted a lower MCL of 0.01 mg/L, decreasing the concentration by 5 times. The corresponding MCL based delisting level would therefore be 0.24 mg/L. The maximum concentration of arsenic in the leachate was only 0.0265 mg/L and passes this delisting level.

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For 2,3,7,8-TCDD, the maximum concentration in the sample leachate (5.92E-08mg/L) did not pass the most stringent DRAS limit (2.55-09 mg/L for dermal exposure pathway), but it did pass the drinking water ingestion pathway limit (1.09E-07 mg/L) primarily used for delisting purposes. During the scoping meeting, EPA agreed that the ingestion pathway for groundwater is more applicable than the dermal exposure pathway for delisting petitions.

#### 8.3 SUMMARY

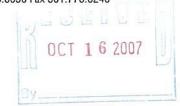
The maximum total and TCLP constituent levels in the four sludge samples (plus one duplicate) are well below the screening delisting levels calculated by DRAS. The analytical data show that this waste is not a characteristic waste and does not present a health risk based on the DRAS evaluation for toxicity. Based on these evaluations, the *Wastewater Treatment Biosludge* qualifies for delisting under the EPA Region 6 program.

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P. O. Drawer CC, Ingleside, Texas 78362-0710 Hwy 361, Gregory, Texas 78359 Phone 361.776.6050 Fax 361.776.6240

Health Environmental Safety Department

October 8, 2007



#### CERTIFIED LETTER - RETURN RECEIPT REQUESTED

Mr. Ben Banipal
Multimedia Planning and Permitting Division (6PD-O)
U.S. Environmental Protection Agency, Region 6
Oklahoma/Texas Section
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re:

Affidavit of Publication

Hazardous Waste Delisting Petition

Occidental Chemical Corporation, Ingleside, Texas

Dear Mr. Banipal:

Please find enclosed the Publisher's Affidavit verifying publication of Public Notice as required by Section 2.5 of the EPA Region 6 Delisting Petition Guidance Manual. The public notice was published in the Corpus Christi Caller-Times on October 5, 2007. A copy of the newspaper publication has been included. Section 2.5 also requires the petitioner to notify persons on its facility mailing list. A copy of the notification letter and a copy of the facility mailing list have also been included for your review.

If you have any questions concerning this submittal, please contact me at (361) 776-6160.

Sincerely,

Michael C. Maldonado

**Environmental Superintendent** 

MCM/see:T1FF472W

Attachment

cc:

Ms. Michelle Peace, EPA Region 6

John C. Waldow l

Ms. Wendy Jacques, EPA Region 6

bcc: File, SW.8.3

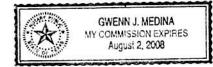
#### **PUBLISHER'S AFFIDAVIT**

State of Texas } OXY CHEM County of Nueces } Ad # 5818562 PO #					
Before me, the undersigned, a Notary Public, this day personally came					
GEORGIA LAWSON, who being first duly sworn, according to law, says that she					
is LEGAL SALES REPRESENTITIVE AND EMPLOYEE OF THE PUBLISHER,					
namely, the Corpus Christi Caller-Times, a daily newspaper published at					
Corpus Christi in said City and State, generally circulated in Aransas, Bee,					
Brooks, Duval, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, Live Oak,					
Nueces, Refugio, San Patricio, Victoria and Webb Counties, and that the					
publication of, <u>NOTICE IS HEREBY GIVEN</u> which the					
annexed is a true copy, was inserted in the Corpus Christi Caller-Times on the					
5th day of October .					

\$521.61

LEGAL SALES REPRESENTIVE

On this the day of October, 2007 I certify that the attached document is a true and an exact copy made by publisher.



Notary Public, State of Texas

P. O. Drawer CC, Ingleside, Texas 78362-0710 Hwy 361, Gregory, Texas 78359 Phone 361.776.6050 Fax 361.776.6240

Health Environmental Safety Department

October 5, 2007

Mayor Fernando P. Gomez City of Gregory P. O. Box 297 Gregory, Texas 78359

To Whom It May Concern:

As required by 40 CFR 260.20 and 260.22, Occidental Chemical Corporation (OxyChem) must send notice of their submittal of a Delisting Petition to all persons on the facility's mailing list. Since you are on OxyChem's mailing list, this notification is being provided to you.

Please find attached a copy of the public notice regarding the submittal of a delisting petition to the United States Environmental Protection Agency – Region 6. The notice was published in the *Corpus Christi Caller-Times* on October 5, 2007.

If you have any question on this notice, please contact me at (512) 776-6160.

Sincerely,

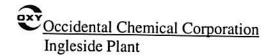
Michael C. Maldonado

Environmental Superintendent

Attehand C. Muldoubs

MCM/see:T1FF470W

Attachment



### LEGAL NOTICE MAILING LIST

National Marine Fisheries Service Southeast Regional Office Habitat Conservation Division 263 13<sup>th</sup> Avenue South St. Petersburg, Florida 33701

Adv. Council of Historical Preservation Office of Review & Compliance 1100 Pennsylvania Avenue NW #809 Washington, D.C. 20004

Area Supervisor National Marine Fisheries Service Galveston Laboratory Environmental Assessment Branch 4700 Avenue U Galveston, Texas 77551-5997

U.S.E.P.A., Region VI Ben Banipal, P.E., Chief Corrective Action Waste Minimization Section (6PD-C) Multimedia Planning & Permitting Division 1445 Ross Avenue, Suite 1200 Dallas, Texas 75202-2733

Long News Service P. O. Box 12368 Austin, Texas 78711

Texas Legislative News Service P. O. Box 100 Austin, Texas 78767

Texas Historical Commission Attention: State Historical Presiding Officer and State Archaeologist P. O. Box 12276 Austin, Texas 78711-2276

Office of the Attorney General Attention: Nancy N. Lynch, Environmental Protection Division P. O. Box 12548 Austin, Texas 78711-2548

Texas Commission on Environmental Quality Water Permits Division Attn: Steve Walden P. O. Box 13087 Austin, Texas 78711-3087 Texas Parks & Wildlife Department Attention: Resource Protection Division Environmental Contaminants Branch 4200 Smith School Road Austin, Texas 78744

Texas Railroad Commission Attention: Jerry Mullican, Underground Injection Control P. O. Box 12967 Austin, Texas 78711-2967

Texas Commission on Environmental Quality Attention: John Steib P. O. Box 13087 Austin, Texas 78711-3087

Texas Water Development Board P. O. Box 13231 Stephen F. Austin Bldg. Austin, Texas 78711-3231

Texas Department of State Health Services 1100 West 49<sup>th</sup> Street Austin, Texas 78756-3199

Governor's Office of Budget, Planning V Policy Attention: Ralph Boeker P. O. Box 12428 Austin, Texas 78711-2428

County Judge Terry A. Simpson County Courthouse 400 West Sinton Street, #109 Sinton, Texas 78387

Coastal Bend Council of Governments P. O. Box 9909 Corpus Christi, Texas 78469

The Honorable Juan (Chuy) Hinojosa P. O. Box 12068, Capitol Station Austin, Texas 78711 - 2068

City of Corpus Christi Water Department P. O. Box 9277 Corpus Christi, Texas 78469-9277

San Patricio County Health Department 313 N. Rachel Sinton, Texas 78387

# Occidental Chemical Corporation Ingleside Plant

Mr. Ollie Grant Jr., Chief Appraiser Nueces County Appraisal District 201 N. Chaparral Street Corpus Christi, Texas 78401

Environmental Manager Port of Corpus Christi P. O. Box 1541 Corpus Christi, Texas 78403

U.S. Fish & Wildlife Service c/o Texas A & M University – Corpus Christi, Box 338 6300 Ocean Drive Corpus Christi, Texas 78412

Sherwin Alumina Company c/o Deloitte & Touche 400 W. 15<sup>th</sup> Street, Suite 1600 Austin, Texas 78701

Air Liquide America Corporation P.O. Box 487 Ingleside, Texas 78361

Ingleside ISD P.O. Box 640 Ingleside, TX 78362

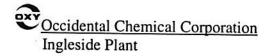
Patricia E. Carson, Trustee Edwards – 1976 Trust B P.O. Box 41 Mountain Home, Texas 78058

Minnie Sahadi Lazar 727 Poplar Helena, Arkansas 72342

Ford Powers Family Properties, Ltd. Ford Allen Family Properties, Ltd. 4225 Avalon Corpus Christi, Texas 78412

Elmer J. Gibson Etal 11286 Big Canoe Big Canoe, GA 30143

Hamilton-Ingleside Limited P. O. Box 1099 Sinton, Texas 78387



David Edwards, Trustee Edwards, 1976 Trust A P. O. Box 459 Sinton, Texas 78387

San Patricio Municipal Water District P. O. Box 940 Ingleside, Texas 78362

AEP Central Power & Light P. O. Box 16428 Columbus, Ohio 43216

E. I. DuPont de Nemours & Company P. O. Box JJ Ingleside, Texas 78362

E. I. DuPont de Nemours & Company P. O. Box 1267 Ponca City, Oklahoma 74602

U.S. Department of the Navy Commanding Officer Attention: N-7 1455 Ticonderoga Road Suite W210 Ingleside, Texas 78362-5001

Ms. Janet Fatheree Coastal Coordination Council 1700 N. Congress Room 617 Austin, Texas 78701

Mayor Elaine Kemp City of Ingleside Texas P. O. Drawer 400 Ingleside, Texas 78362

Mayor Fernando P. Gomez City of Gregory P. O. Box 297 Gregory, Texas 78359

10/04/2007

1110 Legal Notices 1110

UNIT 001 RODGERS

BIELECKI CC TX 3534 CYPRESS CC TX

78411 zenith television.

misc boxes, misc items UNIT 005 YOLANDA

REYES 405 ANTARES

CC TX 78418 misc

UNIT 308 DEBRA

HEAD 6402 WEBER RD V7 CC TX 78413

misc boxes and items

TX 78373 couch, misc

UNIT RO3 SASHA

CC TX 78415 chevy

cutlass/66119 de U-HAUL STORAGE

1201 N CHAPARRAI

ON OCTOBER 19TH. 2007 AT 11:00AM

UNIT BO28 FIDENCIO

THORN 3801 LAMONT CC TX 78415 dodge pick up/wy1538 UNIT R10 LARRY THORN 3801 LAMONT

s adransas LC, will the ofloberts uthwest s 77074 will be

UNIT 109 SASHA THORN 3801 LAMONT CC TX 78415 misc UNIT 117 NOAH t which RAPPE 4188 FAIR VIEW BETTENDOREF publicly ID 52722 futon mishing UNIT 144 JUSTIN equip- JOHNSON 4641 MILand DRED CC TX 78411 couch, dresser UNIT 232 EUSEBIO to the LERMA 5725 CURTIS CLARK CC TX 78411 of the Utilities lo. 2 in misc items UNIT 238 LONNIE LONG 2006 AIRLINE CC TX 78412 entertain-

UNIT 309 ALLISON ALBANESE PO BOX 2131 PORT ARANSAS tandby h auto-witch, 0-gpm UNIT 313 BARBRA JOHNSON 2278 NC HWY 57 N MILTON NC 00-galtorage 27305 recliner, misc

boxes

nasonry

ITSA OS-

) gallon difica. g three plex lift OLF 4"

equipadin s road, nrmwa. ution eration

GARCIA 1006 ZAR-SKY CC TX 78411 misc items UNIT E102 ERLINDA PINA 2614 ELIZA-BETHE CC TX 78404 ter prow plant misc boxes and items UNIT E110 LUIS TRE-VINO 1424 HOWARD ference CC TX 78401 misc

111:00 items pid con-Notice is hereby given idatory. to the owners lien holders of the vehicles a held listed below that unat both less such vehicles are redeemed within 20 days of the date of this ces of

notice, at the location listed, Certificates of Authority shall be is-sued to dispose of such vehicles to a de-molisher. Failure on cations ıments on-rethe part of the owners and lien holders to ex-ercise their right to reclaim the vehicles cash or k only). within the time limit provided shall be -5300.

deemed a waiver by the owners and all lien holders of all right, ti-20,000 ny each cessful tle, and interest in the vehicles and their con-sent to the disposal of perforsuch vehicles to a de-molisher. Call and a as pro-(512) 465-7400 for fu (512) 465-7400 for fur-ther information regarding this matter. 52-71-8350-323-411TI TLECS the full Owner right to

DESCRIPTION OF VEHICLE AND LOCA-TION: O R THE E OF JESEA11ASRUO7117 6, 425 W PEARL STREET GOLIAD TX DERS RISTI

Pursuant to Chapter 59, Texas Property Code. A-1 Holly Stormission hority age which is located at irrently 5849 Holly Rd. Corpus for the Christi, Texas 78412 E OF will hold a public auc-

EGIL

NOTICE OF PUBLIC

#### Legal Notices 1110

Construction will include removing and disposing of the ex-isting roof and install-ing new insulation, base sheet, cap sheet and flashing as indicated by the drawings.

This is a lump sum contract. Bidder must submit a bid bond, cashier's check, or certified check for not less than 5% of the maximum amount of the Bid (Base Bid plus all possible com-binations of Additive and Alternate Bid Items). The bidder will also complete and attach a Bid Breakdown Sheet to the Bid unless other-wise indicated in the Special Conditions. Perfor-mance and Payment Bonds are required when the success-ful bidder executes this contract, each for 100% of the total con-tract price, unless the contract amount is less than \$25,000, in which case no Payment or Performance Bond will be required and no partial progress payments will be made. If the contract price is greater than \$25,000 but less than \$100,000, a Payment Rond colls will be re-Bond only will be re-quired. For contracts greater than \$100,000, both Pay-ment and Performance Bonds will be

pre bid conference (attendance is strongly encouraged) will be held at the PCCA Administration PCCA Administration
Building located at
222 Power St., Corpus Christi, Texas
78401 at 10:00 a.m.,
October 15, 2007.
Bidders should report
to the PCCA Project Manager, Bert Perez, E.I.T., and proceed to the project site as a

required.

wo (2) signed duplicate originals of the Bid must be submit-ted in a sealed enve-lope marked "Bid for lope marked "Bild for REPLACEMENT OF ROOF AT THE OR-TIZ CENTER - Bid Opening 2:00 p.m., October 25, 2007," and must be ad-dressed to Port of Corpus Christi Au-thority, 222 Pow-er Street. Corpus er Street, Corpus Christi, Texas 78401 Attention: Frank C. Attention: Frank C.
Brogan, P.E.,
R.P.L.S. Bids may
not be faxed to the
PCCA office. The
PCCA reserves the right to accept or re-ject any or all bids re-

ceived.

Y AUTHORITY OF
THE PORT COMMISSION PORT OF
CORPUS CHRISTI AUTHORITY BY: John P. LaRue Executive Director

PUBLIC NOTICE Notice is hereby given that San Patricio County will be receving bids no later than 10:30 a.m. on Wednesday October 10:30 a.m. on Wednesday, October 10, 2007 for the following Services for the T.P. McCampbel Air-

#### Legal Notices 1110

DATE THAT DELIST-ING PETITION WAS SUBMITTED TO EPA: September 20, 2007

GENERAL DESCRIP-TION OF THE DE-LISTING PROCE-

EPA has promulgated standards under Sub-title C of RCRA that regulates the process of delisting hazardous waste. Wastes are designated as hazardous in two ways: (1) solid waste that exhibit certain characteristics (those listed in 40 CFR Part 261, Subpart C) and (2) solid wastes that are specifically listed as hazardous (those listed in 40 CFR Part 261, Subpart D). As set forth in Subpart C, wastes that are characteristically hazardous remain so until they no longer ex-hibit the characteristic. It is the responsibility of the genera-tor to determine whether a solid waste exhibits a hazardous waste characteristic.

It is recognized that a listed waste generat ed at a particular facility may not be haz-ardous. Individual wastes may vary de-pending on raw ma-terials, industrial processes, and other factors. Therefore, 40 CFR sections 260.20 and 260.22 contain a procedure whereby a facility can petition EPA to ex-clude or delist such a listed waste.

#### DESCRIPTION OF THE WASTE TO BE DELISTED:

The waste that has been submitted for delisting considera-tion is called the Wastewater Treat-ment Biosludge. This sludge is generated in a wastewater treatment system that can on occasion receive a wastewater stream that carries listed sludge is generated in the Wastewater Treatment System and can carry the fol-

lowing waste codes:
001, F003, F005,
F025, K019 and
K020. The sludge
contains low concentrations of motals trations of metals, dioxin/furans and or-

#### BASIS FOR PETITION: , Extensive analysis of

the waste stream fol-lowing EPA approved procedures show that the waste is not a characteristic waste Evaluation of these data by the FPA's Delisting Risk As-sessment Software, Version 2.0 further shows that the con-centrations of const uents in the waste do not present signifi-cant risk to human health or to the environment from man-agement in a Subtitle D landfill over the next 20 years. Because the waste is not a characteristic waste and the toxicity does not exceed es-tablished human health and environ-mental criteria, this

#### Legal Notices 1110

FRANCHISE PORT OF CORPUS PHANCHISE
CHRISTI
AUTHORITY
OF NUECES COUNTY,
TEXAS TO CITGO
PETROLEUM
CORPORATION
BE IT RESOLVED
BY THE PORT
COMMISSION
OF THE PORT OF
CORPUS CHRISTI
AUTHORITY OF
NUECES COUNTY,
TEXAS:
SECTION I GRANT
There is hereby granted
by the Port of Corpus
Christi Authority of
Nueces County, Texas,
herein after called
"Authority," to CITGO
Petroleum Corporation,
a Delaware corporation

a Delaware corporation with a business address located at 1802 Nueces Bay Boulevard, Corpus Christi, Texas 78407, on behalf of itself and CITGO Refining and CITGO Refining and Clemicals Company L.P., and their respective successors and assigns, herein after called "Grantee" for a term beginning on the 1st day of November, 2007, and ending on the 31st of October, 2037, the right of access to the Corpus Christi Ship Channel and other waters of Nueces County, Texas (collectively the "Waters of Nueces County, Texas" and the right to use the Authority's property described and depicted on Exhibit A attached hereto (the "Authority Property"), for all purposes necessary, proper or convenient in connection with the use and operation of its CITGO OII Dock No. 8 facilities as now constructed or docks and

dockfacilitiesthat may be the Authority's Property, for the purpose of a general cargo business and for the shipping and

and for the shipping and receiving by any mode of water transportation of oil and petroleum products and their several products and by-products by Grantee for itself and for others from all or any portion of the Grantee's adjacent terminal located on 33.914 acres of land described in the Special Warranty Deed dated Way 15, 1992 from Mobil Pipeline Company to CITGO Petroleum Corporation recorded as Corporation recorded as Document No. 805167 In theOfficialPublicRecords theOfficialPublicRecords of Nueces County, Texas ("Grantee's Property"). In addition, an access easement across the Authority's Property is granted to Grantee for the purpose of providing access between Grantee's Property and CITGO Oil Dock No. 8 facilities (the "Easement").

Dock No. 8 facilities (the "Easement").
SECTION II
BULKHEAD LINE
Grantee may cross the south bulkhead line of the Corpus Christi Ship Channel shown on the attached Exhibit A (the "Bulkhead Line"), and have access to the Waters of Nueces County, Texas, to and from CTITGO Oil Dock No. 8, and may operate, maintain, repair, replace, alter, enlarge and continue the operation of CTITGO Oil Dock No. 8. Grantee may operate, maintain, repair and use the pileclusters, mooring clusters, bollards and kevels now located and used in connection with the operation of CTITGO NIL Dock No. 10 of CTITGO the operation of CITGO Oil Dock No. 8, and may also add thereto in such manner as may be necessarilyorreasonably required to safely berth a

#### Legal Notices 1110

holder of this franchise, if the holder be a or the noticer be a corporation or a limited partnership. Grantee, its successors and assigns, shall keep and maintain a complete and accurate set of books. and accurate set of books and records showing all commodities shipped over, and to or from, any dockordocksconstructed by the Grantee, Its predecessors, on the Property in order that the 'Authority may ascertain therefrom what rentals are due to the Authority from Grantee hereunder, and such books and records shall be subject to the inspection of the

records shall be subject to the inspection of the Authority, its agents and attorneys, at any and all reasonable times. The rental payable hereunder shall be paid to the Authority at its offices in Corpus Christi, Nueces County, Texas, and shall be payable at such reasonable time or times as the Authority may direct by written may direct by written notice to Grantee and by general rule or regulation which shall be applicable to all persons or parties holding permits or franchises similar to this franchise

SECTION IV CONDITIONS This franchise is This franchise is granted with reasonable conditions for the protection of the Authority and its property and the property of its tenants, to-wit:

A. Hazards.

Grantee will at all times

conduct its operation so as not to create any unusual fire or health hazard.

Railways B. Railways. Grantee will not for itself or for others, except with the consent of the Authority, buildoroperate a railway terminal for use in connection with the exercise of the rights granted by this franchise; provided, however, that Grantee may build or use spur railroad or use spur railroad tracks in connection with its business and the exercise of its rights under this franchise.

C. Plans. Prior to the construction

C. Plans. Prior to the construction of any structure or commencement of any work (including dredging or filling of submerged areas) on any submerged land for whichaU. S. Department of the Any specific whichaU. S. Department of the Army permit is required and prior to filing application for any such permit, Grantee will submit plans of the work to be undertaken to the Authority for its approval, which approval, will not be unreasonably withheld. To facilitate the Authority's review, two (2) sets of formal plans that clearly define the project must be submitted to Authority for its prior approval, for its prior approval, the project must be submitted to Authority for its prior approval, whichapproval will not be unreasonably withheld. The drawings must be prepared on a standard engineering format (24° x36° drawings) and show all physical features and improvements in and around the project site and must be signed and sealed by a Professional Engineer registered in the State of Texas. In addition, a detailed site plan (minimum 1° = 50° scale) depicting the location and physical layout of the project site to include any area to be dredged, adjacent docking facilities, property lines, federal channels, bulkheadlines, existing channel depth elevations, etc., must be included with the formal standard transcriber included with the formal submitted.

#### Legal Notices 1110 Legal Notices 1

also comply with all federal, state and local laws and regulations relating to maintaining water quality in the WatersofNuecesCounty, Watersof Nueces County, Texas, and will file with the Authority copies of all permits received relating to water quality to the extent relating to activities hereunder, forantee will also comply with Authority's Tenant Audit Program Grantee will cooperate with the Authority's Tenant Audit Program (the Program) which will consist of a scheduled review of scheduled review of Grantee's operations and activities, a review of Grantee's environmental Grantee's environmental management programs, and a tour of the Authority's Property to gain an understanding of Grantee's operations and activities and what measures Grantee is utilizing to comply with this franchise and applicable law. The review will be conducted at a minimum annually at a minimum annuall and more frequentl if determined b the Authority to b the Authority to be necessary and agreed to by Grantee. All reviews will be conducted with at least thirty (30) days advance written notice from the Authority to Grantee, during normal business hours, and will be scheduled at the convenience of Grantee, with such scheduling not to be unreasonably delayed by Grantee. All communications, whetherverbalorwritten, concerning the Program and any documents made available by Grantee to the Authority shall be kept confidential between Grantee and the Authority, unless the Authority, unless disclosure is required by applicable law. Authority agrees that documents and materials that it may and materials that it may seek to review as a part of the Program may be subject to confidentiality agreements between Grantee and any other parties and/or subject to trade secret or other disclosure privileges or restrictions. Therefore, Authority agrees to cooperate with Grantee to maintain the integrity of such confidentiality agreements, privileges and/or restrictions and to keep all such documents confidential. Grantee will provide

and to keep all such documents confidential. Grantee will provide relevant documents for inspection by Authority, butnocopiesof Grantee's documents will be given to Authority. Aconference with Authority staff setting forth the staff's observations will be provided to Grantee following the review. F. Rules and Regulations. The holder of this franchise is subject to reasonable, non-discriminatory rules and regulations which the Authority presently has in effect, or which it may implement in the future, which apply to rights and privileges granted by this or any similar franchise granted by Authority.

by Authority.
Indemnity or Authority, and Release. Grantee will defend, indemnify and hold harmless the Authority and its affiliates and their respective directors, officers, employees, agents, successors and assigns of and from all nature of claims or liability for damages and expenses (including reasonable attorneys' fees and other defense costs) resulting from all claims, demands, causes of action, lawsuits, liabilities or

assert as a del or otherwise, e directly or indirectly any action or dailindemnity assert the Authority ag Grantee based upo indemnity in this IV subparagraph the indemnity Section IV subpara G., is unenforceal does not satisfy law, including bu limited to fair r Ilmited to fair r and express neglic Ethyl Corp. v. C Constr. Co., 725 S 705 (Tex. 1987). Grantee agree support the oblig to Indemnify and harmless the Auti by the purchas sufficient insur (which may inc elf-insurance) shall name the Aut as an additional in under its commi generalliabilityinsu coverage to the ext Grantee's inder obligations under franchise agreeme SECTION V IMPROVEMENTS
Any and all struct
and other improven

which are, and be, constructed placed by Grante successors and as upon Authority's shall be and rem: all times during the of the franchise gr. herein the proper Grantee, its succe and assigns. In the Grantee, or its assi should elect in the f not to request Aut to renew the frar granted hereir earlier terminati the franchise gri herein based upo terms of the agree granting the fran should take place dock and dock for presently know CITGO Oil Dock I including all bulk rail spurs and tr piping, pile clus mooring clus bollards and kevel other equipment in connection wit said dock ("the and Facilities"), absent any w agreement bety Authority and Gran the contrary at the of installation re the property of Gra Upon any expir or termination o franchise, Grantee assignee will remore book and Facilities Grantee, or its ass will repair any da caused by such ren all within one hu eighty (180) days the date of expir or termination o franchisegrantedh In addition, any in addition, any fixtures, furnishing equipment which installedbyGrantee assignee, at its exp may be remove Grantee, or its assigney provided Grante its assignee, ren the same and re any damage cause such removal within hundred eighty ( days after the da expiration or termin of the franchise gra herein. Anytradefix herein. Anytradefix not removed by Gra or its assignee, we the time required considered aband and automatic become Author property. If any i fixture installed Grantee, or its assignment of the control of the co franchise termini Grantee, or its assig must pay Authority reasonable expi

actually incurre Authority to remov

than 5% of the maximum amount of the Bid (base bid plus all possible combinations of additive or alternate bid items). wo (2) original signed ids must be submit-

rank C. Brogan, P.E., at 10:00 a.m. on MonIndian property of the address below, otential bidders will be furnished one(1) at of Contract Docuents free of charge. his is a lump sum purchase. The bidder must submit a bid bond, cashier's check, or certified withdraw property from the sof of the maxistance of the county Auditor, and the county and the bids is 10:30 a.m. on Wednesday Octobe 10, 2007. Any bids re-ceived after time and each space may be each space may be sold item-by-item, in batches, or by the space. Property being sold includes contents in spaces of following tenants, with brief description of contents in date will be returned unopened. All bids will be presented to Commissioner's Court in session for considera-tion and action. San Patricio County re-serves the right to scription of contents in ad in a sealed each space.

nvelope marked 'Bid Gudalupe Chapa, ratricio County reserves the right to 
F DOCK FENDERS- misc. items. Ginger 
items and action. San 
Patricio County reserves the right to 
F DOCK FENDERS- misc. items. Ginger 
items and action. San 
Patricio County re-

ADDITIONAL INFORMATION: Additional information regarding EPA's de-listing procedures and the petition submitted by Occidental Chemical Corpora-tion may be obtained by contacting: U.S. Environmental Protection Agency, Region 6 Multimedia Planning and Permitting Divi-sion (6PD-O)

> Suite 1200 Dallas, Texas 75202 ATTN: Mr. Ben Liquor Permits 1120

continue to use the Authority's Property. Granteemaynot, without the prior written consent of Authority, construct any improvements north of the Bulkhead Line or on any land owned by the Authority, which is not part of the Authority's Property. SECTION III RENTALS

RENTALS
For the rights granted to it hereunder, Grantee will pay to the Authority a rental upon the following basis: basis:

A. General Cargo Business. For all property transported by property transported by a general cargo business (and by "general cargo business" is meant a business handling the shipment by water of any property or commodity owned by a party, or being numbered as sold

(the "Bulkhead Line"),

and have access to the Waters of Nueces County, Texas, to and from CITGO Oil Dock

in connection therewith

Property. SECTION III RENTALS

General

basis:

and top of slope line of any planned dredging. If any dredging is planned by Grantee, its agents, servants, contractors or employees that will, in Authority's judgment, based upon customary dredging operations, result in removal of a substantial quantity of earth or material from, or damage to, adjacent real property, Grantee must obtain the written permission of the adjacent property owner to carry, out the

of the adjacent property owner to carry out the work described for the project and submit it to the Authority with the formal plans. Slips of sufficient depth shall be maintained to prevent vessels berthed at the dock from striking bottom due to lowering of the water level from racesing uncessels.

including, but not limited to, the personal injury, illness or death of any illness or death of any person or persons (whether they be third persons, contractors or contractors employees, or employees of either of the parties to this franchise agreement) or damage to property, real, personal or otherwise of any party to this franchise agreement or any third party to the extent caused in whole or in part by Grantee's negligence or willful

or in part by Grantees
negligence or willful
misconduct.

If any action or
proceeding is brought
against the Authority
by reason of any claim
described in this Section by reason or any calm undescribed in this Section IV, subparagraph G, the Authority will be represented by its designated Counsel, for Boother attorney to

the Au Su

or th

co ar be

fri Gr m

rided for in the bid ther information locuments, for the full imount of the ontract. The Owner eserves the right to eject any or all bids.

### NOTICE TO BIDDERS FOR THE PURCHASE OF DOCK FENDERS PORT OF CORPUS CHRISTI

PORT OF CORPUS CHRISTI AUTHORITY
The Port Commission of the Port of Corpus (200 A. 1 Holly Storaccepting Bids for the PURCHA) is currently secepting Bids for the PURCHA is currently secepting Bids for the public auction of property being sold to satisfy a landing sold to satisfy a landing sold to satisfy a landing sold secepting Services, it the address below obtained from 100 a.m. on Monday, October 22, 2007 at 5849 Holly Rd. Corpus Corpus (1) sold to the highest bidders will be der for cash. Deposit for removal and cleanup may be temporarily sold in the second and cleanup may be temporarily sold in the second and cleanup may be temporarily sold in the second and cleanup may be temporarily sold in the second and cleanup may be temporarily sold in the second and cleanup may be temporarily sold in the second and cleanup may be temporarily sold in the second and cleanup may be temporarily sold in the second and cleanup may be temporarily sold in the second and the sec

nents tree of charge.
This is a lump sum up may be temporarily purchase. The bid-required. Seller reder must submit a serves the right to not bid bond, cashier's accept any bid and to check, or certified withdraw property from check for not less the sale. Property in than 5% of the maximum amount of the sold item-by-item, in Bid (base bid plus all possible combinations of additive or sold includes contents)

alternate bid items).
Two (2) original signed bids must be submitsed in a sealed anvelope marked "Bid for the PURCHASE Furniture, clothes, bids in sold includes contents in spaces of following tenants, with brief death space. led in a sealed envelope marked Bid for the PURCHASE OF DOCK FENDERS-OF DOCK FENDERS misc. items. Gings Bid Opening 2:00 Lee Collins, furnitur household items, at pliances, clother to Port of Corpus Hector Garcia, furn ture, stove, misr ture, Bids may not be faxed to the PCCS reserves the right to accept or reject any or all Bids received.
BY AUTHORITY OF

THE PORT COMMIS-

PORT OF CORPUS CHRISTI AUTHORITY BY: John P. LaRue Executive Director

Notice is hereby given by U-Hall of Corpus Chrisiti of a public auc-tion to satisfy a statutory lien against delinent tenants' goods: for sale are household

The following are here-by notified of the sale to be held at U-HAUL STORAGE 4344 SPID OCTOBER 19TH 2007 AT 9:30AM.

Turn Something Old Into Something New with the Caller-Times Classifieds, 883-1111

TLFCS

DESCRIPTION OF VEHICLE AND LOCA-TION: 1994, EGIL,

JE3EA11A5RUO7117 6, 425 W PEARL STREET GOLIAD TX NOTICE OF PUBLIC

misc, items, Ginger

pliances, clothes. Hector Garcia, furni-

ture, stove, misc.

NOTICE TO BIDDERS

FOR REPLACEMENT OF

ROOF AT THE OR-TIZ CENTER PORT OF CORPUS CHRISTI AUTHOR-

The Port Commission ne Port Commission
of the Port of Corpus
Christi Authority
(PCCA) is currently
accepting bids for
REPLACEMENT OF

ROOF AT THE OR-

TIZ CENTER. Con-tract Documents may

be obtained from Frank C. Brogan, P.E., R.P.L.S., Direc-

tor of Engineering Services, at the ad-dress listed below.

Potential bidders will be furnished one set of Contract Docu-

ments free of charge.

The scope of work generally consists of replacing the roof at the Solomon P. Ortiz Conference Center.

U.S. Environmental Protection Agency,

NOTICE OF SUBMIT-TAL OF DELISTING PETITION IN AC-CORDANCE WITH REQUIREMENTS OF 40 CFR 260.20 &

This notice is to inform the public of the following facility's submittal of a delisting petition to the Envi-ronmental Protection Agency (EPA), Re-

GENERAL FACILITY INFORMATION:

Occidental Chemical Ingleside, Texas 78362-0710

4133 Highway 361 Gregory, Texas 78359

VISIT Caller.com/classifieds 24/7

Evaluation o data by the EPA's Delisting Risk As-sessment Software, Version 2.0 further shows that the concentrations of constituents in the waste do not present signifi-cant risk to human health or to the environment from man agement in a Subtitle D landfill over the next 20 years. Be-cause the waste is not a characteristic waste and the toxicity does not exceed es tablished human health and environmental criteria, this waste qualifies for delisting.

1445 Ross Avenue,

### ADDITIONAL INFORMATION:

Additional information regarding EPA's delisting procedures and the petition sub-mitted by Occidental Chemical Corporation may be obtained by contacting:

U.S. Environmental Protection Agency, Region 6 Multimedia Planning and Permitting Division (6PD-O) 1445 Ross Avenue, Suite 1200 Dallas, Texas 75202 ATTN: Mr. Ben

Banipal Liquor Permits

NOTICE is hereby given that PAPA FOX INC., Paul Douglas Fraley, President; Mildred FOX INC.. Paul Douglas Fraley, President; Mildred Fraley, Secretary is applying for a Mixed Beverage and Late Hours Permit with the Texas Alcoholic Beverage Commission to be located 6646 S. Staples Ste. 106, Corpus Christi, Nueces under the trade name the "THE OFFICE LOUNGE TWO".

Local vehicles at your fingertips at your fingertips Caller.com/cars

FOUND 17?

Free Found Ads. The Corpus Christi Caller-Times wants

FOUND 18.

1120

Caller-Times wants to help you find the owner of any item or pet you may have found. Give us a call and we will publish it free of charge in the classified section. 361-883-1111

engineering format (24" x36"drawings) and show all physical features and improvements in and around the project site and must be signed and sealed by a Professional Engineer registered in the State of Texas. In addition, a detailed site plan (minimum 1" 50" scale) depicting the location and physical layout of the project site from CITGO Oil Dock No. 8, and may operate, maintain, repair, replace, alter, enlarge and continue the operation of CITGO Oil Dock No. 8. Grantee may operate, maintain, repair and use the pileclusters, mooring clusters, bollards and kevels now located and used in connection with the operation of CITGO Oil Dock No. 8, and may also add thereto in such manner as may be necessarilyorreasonably required to safely berth a vessel to said dock, and in connection therewith location and physical layout of the project site to include any area to be dredged, adjacent docking facilities, property lines, federal channels, bulkheadlines, existing channel depth elevations, etc., must be included with the formal plans submitted. The site plan must clearly show the bottom of cut line and top of slope line of any planned dredging. If any dredging is planned by Grantee, its agents, servants, contractors or employees that will, in in connection therewith Grantee may use and continue to use the Authority's Property. Granteemaynot, without the prior written consent of Authority, construct any improvements north of the Bulkhead Line or sevants, contractors or employees that will, in Authority's judgment, based upon customary dredging operations, result in removal of a substantial quantity of earth or material from, or damage to, adjacent real property, Grantee must obtain the written permission of the adjacent property owner to carry out the work described for the project and submit it to the Authority with the formal plans. on any land owned by the Authority, which is not part of the Authority's For the rights granted to it hereunder, Grantee will pay to the Authority a rental upon the following

A. General Cargo Business. For all property transported by a general cargo business (and by "general cargo business" is meant a the Authority with the formal plans. Slips of sufficient depth shall be maintained to prevent vessels berthed at the dock from striking (and by "general cargo business" is meant a business handling the shipment by water of any property or commodity owned by a party, or being purchased or sold by a party, other than the holder of this franchise or one of its affiliates). bottom due to lowering of the water level from passing vessels.
Copies of all permits for work in navigable waters issued to Grantee by the or one of its affiliates) a rental based upon the Department of Army or any other federal, state

or other governmental agency shall be filed with Authority. D. Compliance. D. Compliance.
Grantee must performall
construction adjacent to
the channel inconformity
with applicable building
codes and all applicable
federal, state and other
governmental laws an
regulations for the areain
which said construction
is located; and Grantee
must comply with the
code of the National Fire
Protection Association

code of the National Fire Protection Association applicable to the project. Grantee must file with the Authority a copy of any permit it obtains in connection with such construction.

construction. E. Pollution. Grantee shall take all reasonable precautions to prevent the pollution of the Waters of Nueces County, Texas and shall faithfully observe all reasonable, non-discriminatory regulations adopted by the Authority to prevent the discharge of pollutants into such waters. Grantee must the then current tariff wharfage rate of the Authority on the same type of property or commodity. An "affiliate" as herein used means each entity which, directly or indirectly, controls or is controlled by or is under common control or ownership with the

granted by this or any similar franchise granted

by Authority. G. Indemnity by Authority.
G. Indemnity
and Release. Grantee
will defend, indemnify
and hold harmless
the Authority and its
affiliates and their
respective directors,
officers, employees,
agents, successors and
assigns of and from
all nature of claims or
ilability for damages
and expenses (including
reasonable attorneys'
fees and other defense
costs) resulting from
all claims, demands,
causes of action,
lawsuits, liabilities or
damages arising out
of or relating to this
franchise agreement,

or treating to this franchise agreement, including, but not limited to, the personal injury, illness or death of any person or persons (whether they be third persons, contractors or contractors employees, or employees of either of the parties to this franchise agreement) or damageto property, real, personal or otherwise of any party to this franchise agreement or any third party to the extent caused in whole or in part by Grantee's negligence or willful missonduct.

If any action or proceeding is brought against the Authority by reason of any daim described in this Section IV, subparagraph G, the Authority will be represented by its designated Counsel, or another attorney shall be subject to Grantee's prior written approval, which approval' will not be unreasonably withheld, and Grantee will pay (to the extent provided for under the foregoing indemnity) defense provisions in this Section IV subparagraph G) the Authority's reasonable attorneys' fees and other expenses for the representation and defense of the

and defense of the Authority in such action or proceeding. In consideration of the granting of this franchise and other good and valuable consideration, Grantee agrees that the indemnity in this Section IV Subparagraph G. complies with the fair hotice requirements of Dresser Indus, Inc. v. Page Petroleum, Inc., 853 S. W. 2d 505 (Tex. 1993). Grantee hereby walves any defense 1993). Grantee hereby walves any defense it may have that the indemnity agreed upon by Grantee inthis Section IV subparagraph G. is of no effect or is unenforceable against GranteebytheAuthority; and Grantee further agrees that it will not

ject any or all bids reregarding this matter. 52-71-8350-323-411TI THE PORT COM-MISSION PORT OF CORPUS CHRISTI AUTHORITY BY: John P. LaRue **Executive Director** PUBLIC NOTICE Notice is hereby given that San Patricio

port in Ingleside, Texas. Jet-A Fuel System and

Jet-A Fuel System and 30GPM AVGAS Over-wing with Transport Off-Loading. Specification may be obtained in the office of the County Auditor, 400 West Sinton Street, Courthouse Room B-50, Sinton, Texas 78387, Bids will Texas 78387. Bids will be received and opened by Ruby Ann Rodriquez, Asst. County Auditor. The deadline for receving bids is 10:30 a.m. on Wednesday Octobe 10, 2007. Any bids received after time and date will be returned unopened. All bids will be presented to Commissioner's Court in session for considerasession for considera-

session for considera-tion and action. San Patricio County re-serves the right to reject any and all bids. David W. Wendel County Auditor September 25,2007

PUBLIC NOTICE Region 6

260.22

Corporation P.O. Box CC **FACILITY LOCATION** 

## RCRA DELISTING PETITION CONCURRENCE PAGE

Please review/sign the enclosed  $\underline{\text{FEDERAL REGISTER}}$  Notice and applicable documents as indicated, and initial/date your concurrence.

#### Concurrence

		Initial	Date
1.	JACQUES, WENDY, Petition Reviewer (6PD-F)	MBP	3/1/10
2.	PEACE, MICHELLE, Delisting Peer Reviewer (6PD-C)	MP	3/10/10
3.	BANIPAL, Ben, Chief, CA/WM Section (6PD-C)	_BB_	3/20/10
4.	GILLESPIE, T. DAVID, Asst. Regional Counsel (6RC-0	a) BQ	8-9-10
5.	(Josh Olszewski, Acting) SMITH, SUZANNE, Multimedia Counseling Branch (6RC-C)	1mo	8-9-10
6.	MURRAY, SUZANNE, Regional Counsel (6RC)	SPM for	8/9/10
7.	Spalding, Susan, RCRA Associate Dir. (6PD)	565	8/9/0
8.	HAZLE, Donnie, ADCR (6PD)	BN	8/19/10
9.	EDLUND, Carl, M2P2 Division Director (6PD)	182	8/10/10

To expedite Federal Register Package Review this package is being routed concurrently between 6PD and 6RC.

Please Hand Carry To Next On List or call Michelle Peace To Pick Up: x7430.

#### MAILING INSTRUCTIONS:

PACKAGE TO VICKI REED: (1) REED MEMO; (2) GIRARD LETTER; (3) TYPESETTING REQUEST; (4) DISKETTE; and (5) 4 ORIGINAL SIGNED COPIES OF THE FR NOTICE.

OTHER DOCUMENTS IN PACKAGE TO ADDRESSEES.

## FACT SHEET FOR OCCIDENTAL CHEMICAL CORPORATION K019, K020, F025, F001, F003, F005 DELISTING PETITION

#### **Petition Information**

• This is an exclusion with conditions for verification sampling for 7,500 cubic yards per year of K019, K020, F025, F001, F003, and F005 waste resulting from the treatment of wastewaters from the manufacturing processes at the facility.

#### **Background Information**

- On September 20, 2007, Occidental Chemical Corporation (OxyChem) submitted a petition to delist the wastewater treatment biosludge to EPA Region 6.
- The Proposed Rule was published in the <u>Federal Register</u> on July 9, 2009.
- Arnold & Porter LLP requested BAE's original delisting petition and all supporting documents during the comment period. Requested information was sent.

#### **Petition Evaluation**

- The waste exited in first tier of the Region 6 process Delisting Risk Assessment Software (DRAS).
- The measured values for the constituents of concerns in OxyChem's waste are below the health-based levels.
- The Delisting Decision Document was peer reviewed by Region 6 Delisting Team and ORC and all comments were addressed.

#### Final Actions

- This is a Final Rule for the K019, K020, F025, F001, F003, F005 biosludge.
- The publication of the final rule is projected for May 2010.

August

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 261

[EPA-R06-RCRA-2008-0456; SW-FRL-

1

#### Hazardous Waste Management System;

#### Identification and Listing of Hazardous Waste;

#### **Final Exclusion**

AGENCY:

Environmental Protection Agency.

ACTION:

Final Rule.

**SUMMARY:** Environmental Protection Agency (EPA) is granting a petition submitted by

Occidental Chemical Corporation (OxyChem) to exclude (or delist) its wastewater treatment

biosludge generated by its Ingleside, Texas facility from the lists of hazardous wastes. This final

rule responds to the petition submitted by OxyChem to delist K019, K020, F025, F001, F003,

and F005 waste resulting from the treatment of wastewaters from the manufacturing processes at

its facility.

After careful analysis and use of the Delisting Risk Assessment Software (DRAS), EPA

has concluded that the petitioned waste is not hazardous waste. This exclusion applies to 7,500

cubic yards per year of the K019, K020, F025, F001, F003, and F005 waste. Accordingly, this

final rule excludes the petitioned waste from the requirements of hazardous waste regulations

under the Resource Conservation and Recovery Act (RCRA) when it is disposed in a Subtitle D

Landfill.

EFFECTIVE DATE: [Insert date of publication Federal Register].

ADDRESSES: The public docket for this final rule is located at the Environmental Protection

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Agency Region 6, 1445 Ross Avenue, Dallas, Texas 75202, and is available for viewing in the EPA Freedom of Information Act review room on the 7th floor from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call (214) 665-6444 for appointments. The reference number for this docket is EPA-R06-RCRA-2009-0108. The public may copy material from any regulatory docket at no cost for the first 100 pages and at a cost of \$0.15 per page for additional copies.

FOR FURTHER INFORMATION CONTACT: Ben Banipal, Section Chief of the Corrective Action and Waste Minimization Section, Multimedia Planning and Permitting Division (6PD-C), Environmental Protection Agency Region 6, 1445 Ross Avenue, Dallas, Texas 75202.

For technical information concerning this notice, contact Wendy Jacques, Environmental Protection Agency Region 6, 1445 Ross Avenue, (6PD-F), Dallas, Texas 75202, at (214) 665-7395, or jacques.wendy@epa.gov.

#### SUPPLEMENTARY INFORMATION:

The information in this section is organized as follows:

- I. Overview Information
  - A. What action is EPA finalizing?
  - B. Why is EPA approving this action?
  - C. What are the limits of this exclusion?
  - D. How will OxyChem manage the waste if it is delisted?
  - E. When is the final delisting exclusion effective?
  - F. How does this final rule affect states?

#### II. Background

- A. What is a delisting?
- B. What regulations allow facilities to delist a waste?
- C. What information must the generator supply?

#### III. EPA's Evaluation of the Waste Information and Data

- A. What waste did OxyChem petition EPA to delist?
- B. How much waste did OxyChem propose to delist?
- C. How did OxyChem sample and analyze the waste data in this petition?
- IV. Public Comments Received on the proposed exclusion
  - A. Who submitted comments on the proposed rule?
- V. Statutory and Executive Order Reviews

#### I. Overview Information

#### A. What action is EPA finalizing?

After evaluating the petition, EPA proposed, on July 9, 2009, to exclude the wastewater treatment biosludge from the lists of hazardous waste under 40 CFR 261.31 and 261.32 (see 73 FR 54760). EPA is finalizing the decision to grant OxyChem's delisting petition to have its wastewater treatment biosludge managed and disposed as non-hazardous waste provided certain verification and monitoring conditions are met.

#### B. Why is EPA approving this action?

OxyChem's petition requests a delisting from K019, K020, F025, F001, F003, and F005 wastes listed under 40 CFR 260.20 and 260.22. OxyChem does not believe that the petitioned wastes meet the criteria for which EPA listed it. OxyChem also believes no additional

constituents or factors could cause the waste to be hazardous. EPA's review of this petition included consideration of the original listing criteria and the additional factors required by the Hazardous and Solid Waste Amendments of 1984. See section 3001(f) of RCRA, 42 U.S.C. 6921(f), and 40 CFR 260.22(d)(1)-(4) (hereinafter all sectional references are to 40 CFR unless otherwise indicated). In making the final delisting determination, EPA evaluated the petitioned waste against the listing criteria and factors cited in § 261.11(a)(2) and (a)(3). Based on this review, EPA agrees with the petitioner that the waste is non-hazardous with respect to the original listing criteria. If EPA had found, based on this review, that the waste remained hazardous based on the factors for which the waste as originally listed, EPA would have proposed to deny the petition. EPA evaluated the waste with respect to other factors or criteria to assess whether there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. EPA considered whether the waste is acutely toxic, the concentration of the constituents in the waste, their tendency to migrate and to bioaccumulate, their persistence in the environment once released from the waste, plausible and specific types of management of the petitioned waste, the quantities of waste generated, and waste variability. EPA believes that the petitioned waste does not meet the listing criteria and thus should not be a listed waste. EPA's final decision to delist the waste water treatment biosludge from OxyChem's facility is based on the information submitted in support of this rule, including descriptions of the wastes and analytical data from the Ingleside, Texas facility.

#### C. What are the limits of this exclusion?

This exclusion applies to the waste described in the petition only if the requirements described in 40 CFR part 261, Appendix IX, Table 1 and the conditions contained herein are satisfied.

#### D. How will OxyChem manage the waste if it is delisted?

The wastewater treatment biosludge from OxyChem will be disposed of in a RCRA Subtitle D landfill.

#### E. When is the final delisting exclusion effective?

This rule is effective [insert date of publication in Federal Register]. The Hazardous and Solid Waste Amendments of 1984 amended Section 3010 of RCRA, 42 U.S.C. 6930(b)(1) allows rules to become effective less than six months after the rule is published when the regulated community does not need the six-month period to come into compliance. That is the case here because this rule reduces, rather than increases, the existing requirements for persons generating hazardous waste. This reduction in existing requirements also provides a basis for making this rule effective immediately, upon publication, under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

#### F. How does this final rule affect states?

Because EPA is issuing this exclusion under the Federal RCRA delisting program, only states subject to Federal RCRA delisting provisions would be affected. This would exclude states which have received authorization from EPA to make their own delisting decisions.

EPA allows states to impose their own non-RCRA regulatory requirements that

are more stringent than EPA's, under section 3009 of RCRA, 42 U.S.C. 6929. These more stringent requirements may include a provision that prohibits a Federally issued exclusion from taking effect in the state. Because a dual system (that is, both Federal (RCRA) and State (non-RCRA) programs) may regulate a petitioner's waste, EPA urges petitioners to contact the State regulatory authority to establish the status of their wastes under the State law.

EPA has also authorized some states (for example, Louisiana, Oklahoma, Georgia, and Illinois) to administer a RCRA delisting program in place of the Federal program; that is, to make state delisting decisions. Therefore, this exclusion does not apply in those authorized states unless that state makes the rule part of its authorized program. If OxyChem transports the petitioned waste to or manages the waste in any state with delisting authorization, OxyChem must obtain delisting authorization from that state before it can manage the waste as non-hazardous in the state.

#### II. Background

#### A. What is a delisting petition?

A delisting petition is a request from a generator to EPA, or another agency with jurisdiction, to exclude or delist from the RCRA list of hazardous waste, certain wastes the generator believes should not be considered hazardous under RCRA.

#### B. What regulations allow facilities to delist a waste?

Under §§ 260.20 and 260.22, facilities may petition EPA to remove their wastes from hazardous waste regulation by excluding them from the lists of hazardous wastes contained in §§ 261.31 and 261.32. Specifically, § 260.20 allows any person to petition

the Administrator to modify or revoke any provision of 40 CFR parts 260 through 265 and 268. Section 260.22 provides generators the opportunity to petition the Administrator to exclude a waste from a particular generating facility from the hazardous waste lists.

#### C. What information must the generator supply?

Petitioners must provide sufficient information to EPA to allow EPA to determine that the waste to be excluded does not meet any of the criteria under which the waste was listed as a hazardous waste. Based on the complete application, the Administrator must determine, where he/she has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. The generator must also supply information to demonstrate that the waste does not exhibit any of the characteristics defined in § 261.21 - § 261.24.

#### III. EPA's Evaluation of the Waste Information and Data

#### A. What waste did OxyChem petition EPA to delist?

On September 20, 2007, OxyChem petitioned EPA to exclude from the lists of hazardous wastes contained in § 261.31, wastewater treatment biosludge (K019, K020, F025, F001, F003, and F005) generated from its facility located in Ingleside, Texas. The waste falls under the classification of listed waste pursuant to § 261.31.

#### B. How much waste did OxyChem propose to delist?

Specifically, in its petition, OxyChem requested that EPA grant a standard exclusion for 7,500 cubic yards per year of biosludge resulting from the treatment of

wastewaters from the manufacturing processes at its facility.

# C. How did OxyChem sample and analyze the waste data in this petition?

To support its petition, OxyChem submitted:

- analytical results of the toxicity characteristic leaching procedure and total constituent analysis for volatile and semi volatile organics, pesticides, herbicides, dioxins/furans, PCBs and metals for four wastewater treatment biosludge samples;
- analytical results from multiple pH leaching of metals; and
- descriptions of the waste water treatment process.

#### IV. Public Comments Received on the Proposed Exclusion

#### A. Who submitted comments on the proposed rule?

The EPA received a Freedom of Information request for OxyChem's original delisting petition and all supporting documents from Arnold & Porter LLP. The EPA submitted OxyChem's original delisting petition and all supporting documents, excluding all confidential material, to Arnold & Porter LLP. No specific comments were received.

EPA discovered an error in the proposed exclusion for the total concentration limit for 2,3,7,8-TCDD in the proposed rule. The calculated value for the delisting limit for 2,3,7,8-TCDD should be 5.23E-04 mg/kg instead of 4.30E-05 mg/kg as was proposed. This change does not materially affect the proposal.

#### V. Statutory and Executive Order Reviews

Under Executive Order 12866, "Regulatory Planning and Review" (58 FR

51735, October 4, 1993), this rule is not of general applicability and therefore is not a regulatory action subject to review by the Office of Management and Budget (OMB). This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) because it applies to a particular facility only. Because this rule is of particular applicability relating to a particular facility, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), or to sections 202, 204, and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Because this rule will affect only a particular facility, it will not significantly or uniquely affect small governments, as specified in section 203 of UMRA. Because this rule will affect only a particular facility, this final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, "Federalism", (64 FR 43255, August 10, 1999). Thus, Executive Order 13132 does not apply to this rule.

Similarly, because this rule will affect only a particular facility, this final rule does not have tribal implications, as specified in Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000). Thus, Executive Order 13175 does not apply to this rule. This rule also is not subject to Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to

believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The basis for this belief is that the Agency used the DRAS program, which considers health and safety risks to infants and children, to calculate the maximum allowable concentrations for this rule. This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866. This rule does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988, "Civil Justice Reform", (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct.

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report which includes a copy of the rule to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules:

(1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is

For the reasons set out in the preamble, 40 CFR part 261 is proposed to be amended as follows:

#### PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

AUTHORITY: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. In Table 1 of Appendix IX of Part 261 add the following waste stream in alphabetical order by facility to read as follows:

Appendix IX to Part 261 - Waste Excluded Under §§ 260.20 and 260.22.

Table 1 - Waste Excluded From Non-Specific Sources

Facility		Address			Waste Desc	ription
*	*	*	*	*	*	*
OxyChem	Chem Ingleside, TX			Wastewater Treatment Biosludge (EPA Hazardous Waste Number K019, K020, F025, F001, F003, and F005) generated at a maximum rate of 7,500 cubic yards per calendar year after [insert publication date of the final rule].		
				For the exclusion to must implement a program that meets Paragraphs:	verification te	sting
				(1)(A) Delisting Le	evels: All	

concentrations for those constituents must not exceed the maximum allowable concentrations in mg/l specified in this paragraph.

Wastewater treatment biosludge
Leachable Concentrations (mg/l):
Antimony – 0.111; Acetone – 533;
Arsenic – 0.178; Barium – 36.9; Bis(2-ethylhexyl)phthalate – 6.15; Chromium – 2.32; Copper – 26.5; Ehtylbenzene – 11.1; Methylene Chloride – 0.0809;
Naphthalene – 0.0355; Nickel – 13.8;
Phenanthrene – 2.72; Toluene – 15.5;
Trichloroethane – 11900;
Trichloroethylene – 0.0794; Vanadium – 1.00; Zinc – 202.

- (B) Total Concentration Limits in mg/Kg: Tetrachlorodibenzo-p-dioxin (TCDD) 2,3,7,8 Equivalent 5.23 E-04
- (2) Waste Holding and Handling:
- (A) Waste classification as nonhazardous can not begin until compliance with the limits set in paragraph (1) for wastewater treatment biosludge has occurred for four consecutive weekly sampling events.
- (B) If constituent levels in any annual sample and retest sample taken by OxyChem exceed any of the delisting levels set in paragraph (1) for the wastewater treatment biosludge, OxyChem must do the following:
- (i) notify EPA in accordance with paragraph (6) and
- (ii) manage and dispose the wastewater

treatment biosludge as hazardous waste generated under Subtitle C of RCRA.

#### (3) Testing Requirements:

Upon this exclusion becoming final, OxyChem must perform analytical testing by sampling and analyzing the wastewater treatment biosludge as follows:

#### (A) Initial VerificationTesting:

- (i) Collect four representative composite samples of the wastewater treatment biosludge at weekly intervals after EPA grants the final exclusion. The first composite sample may be taken at any time after EPA grants the final approval. Sampling must be performed in accordance with the sampling plan approved by EPA in support of the exclusion.
- (ii) Analyze the samples for all constituents listed in paragraph (1). Any composite sample taken that exceeds the delisting levels listed in paragraph (1) indicates that the wastewater treatment biosludge must continue to be disposed as hazardous waste in accordance with the applicable hazardous waste requirements until such time that four consecutive weekly samples indicate compliance with delisting levels listed in paragraph (1).
- (iii) Within sixty (60) days after taking its last weekly sample, OxyChem will report its analytical test data to EPA. If levels of constituents measured in the samples of the wastewater treatment

biosludge do not exceed the levels set forth in paragraph (1) of this exclusion for four consecutive weeks, OxyChem can manage and dispose the nonhazardous wastewater treatment biosludge according to all applicable solid waste regulations.

#### (B) Annual Testing:

- (i) If OxyChem completes the weekly testing specified in paragraph (3) above and no sample contains a constituent at a level which exceeds the limits set forth in paragraph (1), OxyChem must begin annual testing as follows: OxyChem must test a representative composite sample of the wastewater treatment biosludge for all constituents listed in paragraph (1) at least once per calendar year. If any measured constituent concentration exceeds the delisting levels set forth in paragraph (1), OxyChem must collect an additional representative composite sample within 10 days of being made aware of the exceedence and test it expeditiously for the constituent(s) which exceeded delisting levels in the original annual sample.
- (ii) The samples for the annual testing shall be a representative composite sample according to appropriate methods. As applicable to the method-defined parameters of concern, analyses requiring the use of SW-846 methods incorporated by reference in 40 CFR 260.11 must be used without substitution. As applicable, the SW-846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A,

1020B,1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses EPA Method 1664, Rev. A), 9071B, and 9095B. Methods must meet Performance Based Measurement System Criteria in which the Data Quality Objectives are to demonstrate that samples of the OxyChem wastewater treatment biosludge are representative for all constituents listed in paragraph (1).

- (iii) The samples for the annual testing taken for the second and subsequent annual testing events shall be taken within the same calendar month as the first annual sample taken.
- (iv) The annual testing report should include the total amount of delisted waste in cubic yards disposed during the calendar year.
- (4) Changes in Operating Conditions: If OxyChem significantly changes the process described in its petition or starts any processes that generate(s) the waste that may or could affect the composition or type of waste generated (by illustration, but not limitation, changes in equipment or operating conditions of the treatment process), it must notify EPA in writing and it may no longer handle the wastes generated from the new process as non-hazardous until the wastes meet the delisting levels set in paragraph (1) and it has received written approval to do so from EPA.

OxyChem must submit a modification to the petition complete with full sampling and analysis for circumstances where the

waste volume changes and/or additional waste codes are added to the waste stream.

#### (5) Data Submittals:

OxyChem must submit the information described below. If OxyChem fails to submit the required data within the specified time or maintain the required records on-site for the specified time, EPA, at its discretion, will consider this sufficient basis to reopen the exclusion as described in paragraph(6). OxyChem must:

- (A) Submit the data obtained through paragraph 3 to the Chief, Corrective Action and Waste Minimization Section, Multimedia Planning and Permitting Division, U. S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, Texas 75202, within the time specified. All supporting data can be submitted on CD-ROM or comparable electronic media.
- (B) Compile records of analytical data from paragraph (3), summarized, and maintained on-site for a minimum of five years.
- (C) Furnish these records and data when either EPA or the State of Texas requests them for inspection.
- (D) Send along with all data a signed copy of the following certification statement, to attest to the truth and accuracy of the data submitted:

"Under civil and criminal penalty of law

for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. § 1001 and 42 U.S.C. § 6928), I certify that the information contained in or accompanying this document is true, accurate and complete.

As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete.

If any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion."

#### (6) Reopener

(A) If, anytime after disposal of the delisted waste OxyChem possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or ground water monitoring data) or any other data relevant to the delisted waste indicating

that any constituent identified for the delisting verification testing is at level higher than the delisting level allowed by the Division Director in granting the petition, then the facility must report the data, in writing, to the Division Director within 10 days of first possessing or being made aware of that data.

- (B) If either the annual testing (and retest, if applicable) of the waste does not meet the delisting requirements in paragraph 1, OxyChem must report the data, in writing, to the Division Director within 10 days of first possessing or being made aware of that data.
- (C) If OxyChem fails to submit the information described in paragraphs (5),(6)(A) or (6)(B) or if any other information is received from any source, the Division Director will make a preliminary determination as to whether the reported information requires EPA action to protect human health and/or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment.
- (D) If the Division Director determines that the reported information requires action by EPA, the Division Director will notify the facility in writing of the actions the Division Director believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information as to why the proposed EPA action is not necessary. The facility

shall have 10 days from receipt of the Division Director's notice to present such information.

(E) Following the receipt of information from the facility described in paragraph (6)(D) or (if no information is presented under paragraph (6)(D)) the initial receipt of information described in paragraphs (5), (6)(A) or (6)(B), the Division Director will issue a final written determination describing EPA actions that are necessary to protect human health and/or the environment. Any required action described in the Division Director's determination shall become effective immediately, unless the Division Director provides otherwise.

#### (7) Notification Requirements:

OxyChem must do the following before transporting the delisted waste. Failure to provide this notification will result in a violation of the delisting petition and a possible revocation of the decision.

- (A) Provide a one-time written notification to any state Regulatory Agency to which or through which it will transport the delisted waste described above for disposal, 60 days before beginning such activities.
- (B) Update one-time written notification, if it ships the delisted waste into a different disposal facility.
- (C) Failure to provide this notification will result in a violation of the delisting variance and a possible revocation of the decision.

BILLING CODE 6560-50-P (MS WORD DISK)

352					
Lists of Subjects in 40 CFR part 261					
Environmental protection, Hazardous waste, Recycling, Reporting and					
recordkeeping requirements.					
Authority: Sec. 3001(f) RCRA, 42 U	ISC 6921(f)				
7 unionty. 500. 5001(1) Releas, 42 (	5.5.C. 0721(1)				
Date:	Bill Luthans, Acting Director,				
	Multimedia Planning and Permitting Division, Region 6				

a rule of particular applicability.